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MEETING

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

REGULAR MONTHLY BUSINESS MEETING

COPY

Board Room

8800 Cal Center Drive

Sacramento, California

Wednesday, January 25, 1995

10:00 a.m.

Janet H. Nicol
Certified Shorthand Reporter
License Number 9764

APPEARANCESBOARD MEMBERS PRESENT:

Jesse Huff, Chairman
Wesley Chesbro, Vice Chairman
Sam Egigian
Edward G. Heidig
Janet Gotch
Paul Relis

STAFF PRESENT:

Cody Begley
Patti Bertram
Elliot Block
Ralph Chandler, Executive Director
Don Dier
Judy Friedman
Daniel Gorfain
Charlene Herbst
Scott Humpert
Marlene Kelly, Committee Secretary
Lori Lopez
Dorothy Rice, Chief Deputy Director
John Sitts
Kathryn Tobias
Caren Trgovcich
Lorraine Van Kekerix
Scott Walker
Jon Whitehill

PUBLIC SPEAKERS:

Will Bakx, CORC
Rick Best, CAW
John Boss, SWANA
Tamara Bowcutt, Yolo County
Diane Colburn, Soap and Detergent Association
Gary Danielson, Tuolumne Co. Taxpayers Association
Jim David, Aerojet
Evan Edgar, CRRC
Mike Falasco, Wine Institute
Charlotte Ginn, LEA Tuolumne County
David Hardy, CORC

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9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

iv

PAGE

Proceedings	1
Roll Call	1
Agenda Item No. 13, Digital Imaging Appeal	4
Agenda Item No. 1, Committee Reports	21
Agenda Item No. 2, Executive Director's Report	29
Agenda Item No. 3, Consent Calendar	35
Agenda Item No. 4, WRAP Awards	36
Agenda Item No. 20, Composting Regulations	43
Agenda Item No. 10, ADC	97
Agenda Item No. 33, Sante Fe Springs	257
Agenda Item No. 36, San Buena Vista	258
Agenda Item No. 44, City of Colton	260
Agenda Item No. 63, City of Alameda	260
Agenda Item No. 17, Jamestown	262
Agenda Item No. 28, RPPC Report	286
Reporter's Certificate	289

APPEARANCES
(continued)

PUBLIC SPEAKERS:
(continued)

Richard Harriman, TFALS
Penny Hill, LA County
Yvonne Hunter, LCC
Gregg Jacob, Tuolumne County
Ken Kessel, Tuolumne County Taxpayers Association
Kenneth Krieser, American Environmental Recovery Services
Jim Kuhl, City of Long Beach
Roberta Larson, CASA
Mark Leary, BFI
Nicolas Liakas, DISC
Marc Madden, Schnitzer Steel
Steve Maguin, LA County
Jack Michael, LA County
Linda Novick, Wheelabrator
Lowell Patton, City of Winters
Richard Perry, CRRC
Ben Price, POTWs
Debra Scott, Sacramento Lighting Services
Joe Sloan, Athena Disposal Company
Jim Sullivan, Inland Empire Composting
Larry Sweetser, Norcal
Keith Till, City of Santa Monica
Chuck Tobin, Burrtec
Jeannette Vagnozzi, City of La Verne
John Welborn, City of Lompoc
Clint Whitney, Ventura Regional Sanitation District

P R O C E E D I N G S

BOARD CHAIRMAN HUFF: Good morning. This is the California Integrated Waste Management Board, our regular business meeting.

If we could have a roll call to establish a quorum.

BOARD SECRETARY KELLY: Board Member Chesbro.

BOARD VICE CHAIRMAN CHESBRO: Here.

BOARD SECRETARY KELLY: Egigian.

BOARD MEMBER EGIGIAN: Here.

BOARD SECRETARY KELLY: Gotch.

BOARD MEMBER GOTCH: Here.

BOARD SECRETARY KELLY: Heidig.

BOARD MEMBER HEIDIG: Here.

BOARD SECRETARY KELLY: Relis.

BOARD MEMBER RELIS: Here.

BOARD SECRETARY KELLY: Chairman Huff.

BOARD CHAIRMAN HUFF: Here.

Quorum is present.

I've had a request that we take one item out of order. It's the only request of that nature that I've gotten thus far today. And that request pertains to Item 13, which is consideration of an appeal by Digital Imaging of Southern California.

I believe that some of the people involved with

1 that request have some flooding concerns about Southern
2 California.

3 I can tell you I just got back from Southern
4 California last night. It is raining like crazy and so I'm
5 sympathetic to that request.

6 So without any objection we'll move to Item 13.

7 We can have the staff presentation of Item 13,
8 please.

9 BOARD VICE CHAIRMAN CHESBRO: Can we enter ex
10 partes first, since there are some ex partes involved in
11 this item?

12 BOARD CHAIRMAN HUFF: While staff is coming to the
13 table, let's do the ex partes.

14 BOARD VICE CHAIRMAN CHESBRO: I'm going to hand
15 you an incredible list of faxes and letters which probably
16 correspond to many of those that Board members have
17 received.

18 BOARD CHAIRMAN HUFF: Yes.

19 BOARD VICE CHAIRMAN CHESBRO: Item 10, the ADC
20 issue, and 20, the compost regs. I'm not going to read it.
21 I'm just going to hand Marlene the list and enter those all
22 into the record.

23 BOARD MEMBER GOTCH: I'd also like to hand over a
24 list.

25 BOARD CHAIRMAN HUFF: They're on, but they are on

1 very high, are they? Could we have someone boost the mikes?

2 BOARD VICE CHAIRMAN CHESBRO: In addition to those
3 I received a letter from Digital Imaging of Southern
4 California regarding the Item 13.

5 Also letters on Item 28 from Livingston and
6 Mattesich and the Chemical Specialties Manufacturers
7 Association.

8 Also a letter from West Contra Costa Integrated
9 Waste Management Authority regarding biomass update.

10 And then oral communications from Coy Smith,
11 Materials for the Future, regarding ADC and market
12 development.

13 Clint Whitney, Ventura Regional Sanitation
14 District regarding ADC and the compost regs.

15 Steve Maguin and Al Marino, Los Angeles County
16 Sanitation District, regarding ADC.

17 Rick Best, Californians Against Waste, regarding
18 ADC and the compost regs and also the Item 28, the rigid
19 plastic container, hazardous container exemptions.

20 And also I received a call this morning from
21 Assemblyman Keith Olberg regarding the compost regs.

22 BOARD CHAIRMAN HUFF: Okay. And I understand,
23 Counsel, that submission of these lists for inclusion in the
24 record meets the requirements of the law relative to
25 disclosure of ex parte communications?

1 MS. TOBIAS: Yes.

2 BOARD CHAIRMAN HUFF: Very good. Thank you.

3 BOARD MEMBER EGIGIAN: That means we're all
4 covered?

5 BOARD CHAIRMAN HUFF: We're covered.

6 BOARD MEMBER EGIGIAN: All right.

7 BOARD CHAIRMAN HUFF: You have a stack too,
8 Mr. Heidig?

9 BOARD MEMBER HEIDIG: I have a stack too and I'd
10 like to submit to the Chairman and also disclose that I met
11 with Al Marino to talk about ADC this morning.

12 BOARD MEMBER RELIS: I also had a very brief chat
13 with Al Marino.

14 And on top of the list and I note we just received
15 a letter from SWANA.

16 BOARD CHAIRMAN HUFF: And I have a stack of ex
17 partes also.

18 BOARD VICE CHAIRMAN CHESBRO: You all have been
19 busy communicating with us.

20 BOARD CHAIRMAN HUFF: Source reduction is still a
21 worthy goal.

22 If we can have the staff report on Item 13.

23 After I do the staff report on Item 13 we'll
24 resume our normal flow of business, including committee
25 reports and everything else, but I just wanted to

1 accommodate these people.

2 MR. GORFAIN: Mr. Chairman, can you hear me?

3 BOARD CHAIRMAN HUFF: Yes. Speak loudly. Our
4 wonderful sound system really works, but it depends on a
5 human being to turn the volume up.

6 MR. GORFAIN: Mr. Chairman and members of the
7 Board, in September of 1993 Digital Imaging of Southern
8 California Inc., DISC, applied for an RMD, or market
9 development loan, and was determined to be ineligible
10 because of the nature of its business.

11 DISC is a commercial and fine art lithographer and
12 offset printer.

13 About one-half of its products are printed on
14 recycled paper.

15 DISC represents that the equipment it would
16 purchase with the requested loan would enable it to boost
17 its recycled content paper use to 75 percent.

18 Last month the Board adopted a policy which
19 clarified and affirmed its prior intent in adopting this
20 year's loan program objectives by stating that the only --
21 that only paper manufacturers and converters, not printers
22 and publishers and other commercial paper users, be eligible
23 for loans.

24 This action was based on the interpretation of the
25 intent of loan program objective number one, which states,

1 maximize the effectiveness of the RMDZ loan program as a
2 market development tool by restricting funding to projects
3 which manufacture recycled content and products or otherwise
4 increase demand for secondary materials which directly
5 support achievement of local waste diversion goals.

6 In clarifying its position last month the Board
7 found that paper manufacturers were clearly eligible for
8 loans because they manufactured recycled content paper.

9 The Board further found that paper converters were
10 in fact an extension of the manufacturing process because
11 they manufactured widespread and high volume of consumer
12 value added products such as envelopes, bags, containers,
13 pallets, et cetera.

14 Some carried out at -- sometimes these activities
15 are also carried out at the paper mill and that is part of
16 the definition of what a converter is.

17 However, because they were one step removed, these
18 converters were one step removed with the direct paper
19 manufacturing process the Board set the thresholds for their
20 loan eligibility at a higher level, at a minimum level for
21 recycled paper utilization rate of 75 percent defined to
22 include at least 50 percent secondary and 20 percent
23 postconsumer material.

24 If printed matter or recycled content paper is to
25 be considered a recycled content end product it would -- and

1 would and probably should be even further removed from
2 the -- it would be further removed from the manufacturing
3 process than a converter's product.

4 The logical extension of the Board's action in
5 setting higher thresholds for converters would then require
6 even higher thresholds for printers and publishers or
7 perhaps disallow them altogether because of the diluting
8 effects such loans would have on achieving the Board's
9 overall loan objectives.

10 If we look at plastics as an analogy, for example,
11 it is clear that a company utilizing recycled feedstock to
12 manufacture novelty items would be eligible for a loan.

13 But would another company printing a logo or
14 adding a decal on it be eligible? It depends on how the
15 Board considered the overall intent or spirit of the loan
16 program was being met.

17 In conclusion, staff considered that awarding a
18 loan to a printer who utilizes recycled content paper is not
19 consistent with the intent of the Board in setting its loan
20 objectives, which is to support the manufacturing of
21 products from recycled feedstocks.

22 The Market Development Committee concurred
23 unanimously and staff recommends that the Board recommend
24 the committee's determination that DISC is not eligible for
25 recycling market development loan.

1 That concludes my presentation.

2 BOARD CHAIRMAN HUFF: Questions of the staff
3 presentation?

4 So in essence what you're saying is that in order
5 to make some rational decisions about what loans the Board
6 wants to see and what purposes the Board wants to see, we've
7 set some thresholds?

8 MR. GORFAIN: And we've set some cutoffs.

9 And I think another way to describe some of the
10 committee's sentiment, and perhaps some of the committee
11 members may add to it later, is that when we were looking at
12 printers we're not looking at manufacturers, we're looking
13 at people who procure recycled content paper and use it, but
14 they don't in fact manufacture new value added products that
15 fall into the category of manufacturers or converters of
16 paper which the committee and the Board earlier in its
17 policies determined should be eligible for loans.

18 BOARD CHAIRMAN HUFF: So we aren't really passing
19 judgment on the quality of the business relative to being
20 environmentally sound or reducing waste or anything?

21 MR. GORFAIN: That's correct.

22 BOARD CHAIRMAN HUFF: We're making a judgment as
23 to where we want to put a resource that the Legislature has
24 provided us the responsibility for?

25 MR. GORFAIN: And I might add an increasingly

1 limited resource in terms of loan funds and setting
2 priorities for where that money should be spent, we have the
3 most effect and the greatest benefit to achieving the
4 objectives and mandate that the Board has under the law.

5 BOARD CHAIRMAN HUFF: You anticipated where I was
6 going.

7 What do you mean by limited?

8 MR. GORFAIN: When I say limited we are rapidly
9 running out of funds in a sense that the demand for our loan
10 funds is outstripping the available funds.

11 BOARD CHAIRMAN HUFF: So we have to make some sort
12 of threshold decisions because the alternative is to provide
13 everyone a certain amount of pennies on the dollar for each
14 application?

15 MR. GORFAIN: Correct.

16 BOARD CHAIRMAN HUFF: Which might be ineffective
17 if they can't get sufficient loans.

18 Or the alternative is to set thresholds and target
19 the loans that we do approve?

20 MR. GORFAIN: Yes.

21 BOARD CHAIRMAN HUFF: We have to do one or the
22 other strategy in allocating a scare resource.

23 MR. GORFAIN: I might add that we also are getting
24 to the point now where we're going to have to set priorities
25 within the eligible companies coming in for loans because we

1 won't even be able to fund all of the loans for which we
2 have applications.

3 Just by way of an example in the current quarter,
4 which you will be seeing the recommendations under the next
5 couple of months, we have had requests for twice the
6 available funds in the loan fund right now.

7 BOARD CHAIRMAN HUFF: This is one of the programs
8 and processes of government which is always difficult
9 because you do have more requests than you have available
10 funds and people don't like to make a negative decision and
11 have it reflect adversely on a business, but we have to have
12 some sort of rational means to allocate our resources.

13 Mr. Chesbro, you look like you're poised to speak.

14 BOARD VICE CHAIRMAN CHESBRO: I wanted to go a
15 little further in reviewing in what has transpired at the
16 committee.

17 And Paul obviously may have something to say about
18 this too.

19 But we've been faced with a difficulty of having a
20 range of activities that starts with curbside collection and
21 hauling materials and processing, grinding stuff up, putting
22 it in bales, those kinds of things. From that end of the
23 spectrum all the way to the point of somebody who is
24 actually a user of the material, utilization of the
25 material.

1 Both ends of the spectrum, both processing and
2 collection and utilization, have some features that tend to
3 make them a little bit, I think, lower priority than the
4 middle of the spectrum, which is manufacturing.

5 First of all, the activities are fairly
6 conventional. The equipment involved and the activities
7 involved are much more apt to have access to regular credit,
8 loan processes, to get the kind of equipment or operating
9 capital or whatever they need to function.

10 Secondly, there's a huge amount of activity in
11 both ends of the spectrum.

12 For example, if we were to say that users of paper
13 were eligible, virtually every corner Kinko's or Speedy
14 Print in the state and every newspaper, who is now required
15 to use recycled newsprint, would be eligible because they're
16 users of these materials.

17 Conversely at the other end of the spectrum every
18 curbside collector, every independent recycler who picks up
19 and bales stuff would be able to apply for loan money.

20 And our \$5 million a year fund would get swallowed
21 up in a matter of a couple weeks and lost without a trace
22 and the impact on the system it would have had would have
23 been very marginal.

24 And so the committee chose the middle and has
25 tried to wrestle with where is the dividing line that says

1 what manufacturing is and what isn't, and we drew the line
2 with paper that said if you were a printer or a user of the
3 paper that that's not manufacturing, that that's a more
4 conventional activity that is less what the Legislature
5 intended and is somewhat lower and a lower priority and
6 outside of the limit.

7 It's a difficult decision, because the people at
8 both ends of the spectrum are doing very important work that
9 makes the whole system -- and I'm sure that's what we're
10 going to hear here from the proponent or the appellant.

11 And it's not a reflection on the lack of
12 importance of their business. It's a question of where we
13 can apply the Board's programs where they're most needed and
14 to have the most effect.

15 BOARD CHAIRMAN HUFF: Okay. Any other questions
16 of staff or comments?

17 I do have obviously a speaker who wishes to speak
18 on the subject, I suspect with a different point of view,
19 and that's Nicolas Liakas.

20 MR. LIAKAS: Liakas.

21 BOARD CHAIRMAN HUFF: Liakas. I'm sorry.

22 Proceed.

23 MR. LIAKAS: Thank you, Mr. Chairman.

24 And of course my sincere appreciation for your
25 courtesy in taking this matter early.

1 Contrary to common belief, Los Angeles area does
2 have four seasons, firestorms, earthquakes, floods and
3 riots. So we have managed to survive all four of those
4 during the past couple of years, but now it's getting a
5 little too much to bear, if I may.

6 With the Board's permission what I would like to
7 do, I believe each member of the Board has a copy of my
8 January 18 letter, and that pretty much addresses the points
9 that staff raised here this morning, and some of the
10 comments made by Board members here this morning.

11 I would like to devote my time, with your
12 permission, on explaining a little bit more of who we are
13 and what we are and why we so strongly believe that at least
14 in part the policy of the Board and the position of the
15 staff is in error.

16 And we fully appreciate the limitations as to the
17 availability of funds or as to the limitations of defining
18 who is eligible and who is not eligible.

19 But we strongly believe that an error has been
20 made here, and rather than repeat what is in the content of
21 the letter I would like to give you a fuller explanation of
22 our position of our necessity and our processes in this
23 entire matter of the use and generation of recycled
24 material.

25 The staff used the analogy of a plastic

1 manufacturer.

2 I'd like to use a different one. I'd like to use
3 the analogy of a Ford Motor Company building the Edsel
4 without having conducted its adequate market research and
5 spending billions of dollars on developing the Edsel that
6 nobody bought.

7 The emphasis placed by this Board on the
8 manufacturers of recycled paper is akin to placing the
9 emphasis on first building a product and then trying to sell
10 it, whereas the reverse has to be considered to be the
11 truth. The reverse being at first you must create market
12 demand and then develop a product and then sell the product.

13 And again with all due respect I think what we're
14 doing here is basically developing a product and encouraging
15 those that develop the product without adequately addressing
16 those that create the demand and the need for that product.

17 Our company is not a Kinko's. Our company is not
18 a corner fast-print shop. Our company is not a consumer
19 only of recycled paper.

20 Our company employs 125 to 130 individuals.

21 Our company is engaged in individual and unique
22 manufacturing projects for each item that goes through its
23 plant.

24 It is our company that has the direct and daily
25 contact with the designers of the graphic arts projects or

1 the clients that ultimately are paying the bill for the
2 creation of that project.

3 In order to determine each project use of virgin
4 or recycled paper that is a decision that is made on the
5 daily basis and many times per day by a representative of
6 our company in conjunction with the client, the graphic art
7 designer.

8 If we order recycled paper for that project then
9 the people you are supporting will ship us the recycled
10 paper.

11 If we decide to use virgin paper they will ship us
12 virgin paper.

13 The group that you are focusing on is not engaged
14 in the direct decision-making process of what gets printed
15 on recycled paper or on virgin paper.

16 We are not talking here about newsprint. We are
17 talking about expensive and exclusive, high-quality color
18 reproductions. That is vastly different from a newspaper.

19 It is vastly different from a publisher who just
20 sells a book, for example, or a magazine.

21 These projects, whether they be annual reports or
22 promotional material for the entertainment industry are
23 unique to themselves.

24 We must go through the pain, expense and trouble
25 of showing to that client samples of what the project would

1 look like on virgin paper or recycled paper.

2 Why? Because we have to convince the client to
3 accept a slight degradation in the quality of the project in
4 order to accept the correct use of recycled paper.

5 They will not make that decision without us going
6 through the trouble and expense of showing the samples and
7 of clearly then indicating this is what you get on virgin,
8 this is what you get on recycled paper.

9 The ordering decisions are then made after we
10 actively engage as an advocate of the use of recycled paper
11 in the decision-making process of that client.

12 We are not here to argue that we're the only ones
13 important in that decision-making process. We're not here
14 to argue that we are the only ones that should be entitled
15 to consideration by this Board.

16 We are here to strongly submit, however, that to
17 exclude our company really does not take to task the
18 importance of the decision-making process and who controls
19 whether a project is done on recycled paper or on virgin
20 paper.

21 And we are not seeking exclusivity, but we are
22 seeking participation and recognition in the process.

23 It's one thing to be encouraged about being
24 environmentally conscious, but then to get kind of a
25 backhanded compliment, but we won't consider you as an

1 important element in that process.

2 I urge you to reconsider that policy or at least
3 to modify it because again I'm going to state to you in no
4 uncertain terms that unless we force, compel, jawbone,
5 whatever you want to call it, the client to agree to use
6 recycled paper you may be supporting manufacturers of
7 recycled paper that will have warehouses full of it and
8 nobody ordering it.

9 So it is critical that we are considered to be a
10 part of that process.

11 And I emphasize this in addition and as a
12 supplement to the points that I raised in my January 18
13 letter.

14 BOARD CHAIRMAN HUFF: Any questions of the
15 witness?

16 Okay. Mr. Heidig.

17 BOARD MEMBER HEIDIG: I just wanted to contribute
18 that at the Market Development Committee meeting we were
19 asked by staff to reaffirm, I believe, the earlier policy.

20 And one of the -- I think this is a close case. I
21 think a lot of printers don't like to hold inventory.

22 I think that Mr. Chesbro's point and Mr. Relis in
23 the committee meeting were very well stated relative to
24 procurement.

25 This one is kind of on the line relative to the

1 actual production of art type of product out of paper.

2 And I think one of the concerns that I have is
3 that we have more quantifiable analysis in the policy how do
4 we achieve 50 percent through this market development
5 program, loan program?

6 How do we, you know, all things being equal, don't
7 we prefer job number creation as well as tonnage diversion.

8 However, the application, from staff's report, was
9 not fully completed and I voted, you know, to reject it at
10 that time.

11 But I think we need to have a reformulation of the
12 policy and I believe that's what staff is preparing for
13 future Market Development Committee consideration.

14 BOARD CHAIRMAN HUFF: Okay.

15 BOARD MEMBER RELIS: Mr. Chair, I don't have much
16 to add. I think we had a very thorough discussion and heard
17 from the applicant in detail.

18 And I respectfully -- I would make a motion at
19 this time to affirm staff's decision that DISC, regarding
20 the noneligibility of DISC under our loan program for the
21 reasons in the staff analysis.

22 BOARD CHAIRMAN HUFF: Okay. Heard the motion.

23 Is there any question relative to the motion?

24 The roll call, please.

25 BOARD SECRETARY KELLY: Board Member Chesbro.

1 BOARD VICE CHAIRMAN CHESBRO: Aye.

2 BOARD SECRETARY KELLY: Egigian.

3 BOARD MEMBER EGIGIAN: Aye.

4 BOARD SECRETARY KELLY: Gotch.

5 BOARD MEMBER GOTCH: Aye.

6 BOARD SECRETARY KELLY: Heidig.

7 BOARD MEMBER HEIDIG: Aye.

8 BOARD SECRETARY KELLY: Relis.

9 BOARD MEMBER RELIS: Aye.

10 BOARD SECRETARY KELLY: Chairman Huff.

11 BOARD CHAIRMAN HUFF: Aye.

12 Motion carries, 6-0.

13 Sorry. I wish you well and I hope that you don't
14 suffer any flood damage.

15 MR. LIAKAS: I have a rowboat waiting for me.

16 Thank you, sir.

17 BOARD CHAIRMAN HUFF: You're welcome.

18 We will go back to the beginning of the agenda.

19 We have done the ex partes.

20 I have a couple of announcements.

21 The following items have been pulled from today's
22 agenda. They are Item 6, 9, 12, 19, 21, 23 and 41.

23 6, 9, 12, 19, 21, 23 and 41.

24 BOARD MEMBER GOTCH: 11?

25 BOARD CHAIRMAN HUFF: 11. Yes, I wish to pull 11

1 also because I will cover that in my committee report.

2 But thank you for reminding.

3 BOARD VICE CHAIRMAN CHESBRO: These are pulled?
4 You're talking about ones that are pulled from the agenda
5 entirely?

6 BOARD CHAIRMAN HUFF: That's right.

7 BOARD VICE CHAIRMAN CHESBRO: 11 is discussion is
8 whether or not to have it on the consent.

9 BOARD CHAIRMAN HUFF: 11 is quarterly update on
10 the status of local enforcement agency decisions.

11 BOARD VICE CHAIRMAN CHESBRO: That's pulled?

12 BOARD CHAIRMAN HUFF: Actually we're going to pull
13 it completely.

14 BOARD VICE CHAIRMAN CHESBRO: You are.

15 BOARD CHAIRMAN HUFF: I'll cover it in my
16 committee report.

17 BOARD VICE CHAIRMAN CHESBRO: Now I understand
18 you.

19 BOARD CHAIRMAN HUFF: Okay. Item 20, the
20 composting package, and Item 10, the alternative daily cover
21 item, will be heard immediately following Item 4.

22 I do have another request relative to Item 4 that
23 we get done with this one before noon, so we will. I can
24 guarantee you that.

25 That takes care of the announcements.

1 Committee reports.

2 Janet Gotch.

3 BOARD MEMBER GOTCH: Mr. Chairman, we did not meet
4 in January, but we look forward to meeting next month.

5 BOARD CHAIRMAN HUFF: That's the shortest
6 committee report I've ever heard.

7 Ed Heidig, can you beat that?

8 BOARD MEMBER HEIDIG: No. But that's a short
9 statement.

10 And nonetheless the Administration Committee met
11 on January 18th. Mr. Gorfain provided an update relative to
12 the negotiations with the Department of Conservation on the
13 MOA issue.

14 And as I understand there are two draft MOAs
15 prepared and he will be -- he has been directed to bring all
16 draft MOAs to the Board in February.

17 On today's consent agenda is Item 5, which is the
18 consideration for fiscal year '94-95, the discretionary
19 grant awards for the household hazardous waste grant
20 program.

21 As part of the motion staff has been directed to
22 work closely with Tulare, West Contra Costa County and
23 Imperial Counties to assist them with the future
24 applications, to give priority in the future to those
25 jurisdictions who have not received grants to date, to

1 determine cost effectiveness criteria and to consider
2 geographic distribution, water quality and pollution
3 prevention in the criteria for the next grant cycle.

4 On today's regular agenda, Item No. 22, the
5 consideration of contract concept with the City of Santa
6 Monica for an educational video. This item has been
7 forwarded to the Board without recommendation.

8 I think there is a concern on the committee that
9 they wanted to see their esteemed Chairman before they pass
10 final judgment on that.

11 BOARD CHAIRMAN HUFF: I would invite everyone to
12 view the video.

13 BOARD MEMBER RELIS: Yeah.

14 BOARD MEMBER HEIDIG: The next scheduled meeting
15 of the Administration Committee is Wednesday, February 15th.

16 That concludes my report, Mr. Chairman.

17 And I did view the video and I thought you
18 acquitted yourself admirably.

19 BOARD CHAIRMAN HUFF: Thank you.

20 Sam Egigian.

21 BOARD MEMBER EGIGIAN: Mr. Chairman, the Policy
22 Committee heard Items 26 and 27 that are on today's consent
23 calendar.

24 When the staff presents Item 8 you will hear a
25 regular update on the status of the Public Utilities

1 Commission proposed deregulation of electric utilities.

2 I believe that progress is being made in
3 developing a proposal to the PUC to mitigate some of the
4 problems we have identified that would result in their
5 deregulation proposals.

6 I, too, Mr. Chairman, watched part of the film and
7 you look pretty dapper in there. I don't know whether or
8 not we want to spend our money to see it again or not, but
9 we'll see.

10 You didn't hear that?

11 BOARD CHAIRMAN HUFF: No; I'm sorry. I had a side
12 conversation. Okay.

13 Are you through, sir?

14 BOARD MEMBER EGIGIAN: I'm through, sir.

15 BOARD CHAIRMAN HUFF: I'm going to have to pay
16 more attention.

17 Wesley Chesbro.

18 BOARD VICE CHAIRMAN CHESBRO: The Local Assistance
19 and Planning Committee heard 47 items at its last meeting.
20 Six of them are being heard at this meeting.

21 These items are -- six of them are being heard as
22 nonconsent items. Four of these are SRREs that have been
23 proposed for disapproval, staff analysis on integrated waste
24 management plan enforcement and the issue of ADC, which we
25 will soon be discussing.

1 Updates were given from the Waste Prevention and
2 Market Development Division as well as the Diversion,
3 Planning and Local Assistance Division.

4 The waste prevention update included updates on
5 various programs, including the pilot business waste
6 reduction program which has, I believe, gotten and now
7 received a \$53,000 grant from U.S. EPA to enhance the
8 funding that we had placed in that program.

9 The program will be administered through four
10 separate regional contracts. Three of them are -- the
11 bidding for these contracts has been reopened in three of
12 the four regions. The central region has been awarded.

13 From the Diversion, Planning and Office of Local
14 Assistance the committee was updated on a number of programs
15 that staff is working on.

16 And just to let you know, to date the committee
17 has considered 187 Source Reduction Recycling Elements. 139
18 have been approved, 54 have been conditionally approved, and
19 11 have been disapproved.

20 And I didn't do the percentages and if Jesse wants
21 to do it he's free to do it. We have been trying to do that
22 every meeting to figure out what the running percent is, but
23 it remains a fairly small percentage of the local plans that
24 have been disapproved.

25 BOARD CHAIRMAN HUFF: What was the percentage of

1 disapproval?

2 BOARD VICE CHAIRMAN CHESBRO: Well, it's 11 --

3 BOARD CHAIRMAN HUFF: The number, 11.

4 BOARD VICE CHAIRMAN CHESBRO: 11.

5 BOARD CHAIRMAN HUFF: Out of?

6 BOARD VICE CHAIRMAN CHESBRO: Can you add three
7 numbers real fast?

8 BOARD CHAIRMAN HUFF: Yeah.

9 BOARD VICE CHAIRMAN CHESBRO: 139, 54 and 11.

10 BOARD CHAIRMAN HUFF: So that's 205.

11 BOARD VICE CHAIRMAN CHESBRO: That's 11 out of
12 205, whatever that percentage is, and that's the -- we
13 should put it in the positive, however. How many we have
14 approved, what's the percentage?

15 BOARD CHAIRMAN HUFF: Actually it's 204. I made a
16 mistake. But that's about five percent.

17 BOARD VICE CHAIRMAN CHESBRO: About five
18 percent -- excuse me. 95 percent approval rate.

19 I'm pretty proud of that and I think the Board
20 should be too.

21 Of course, we haven't taken the action -- we did
22 on the consent agenda, but we still have a few of the other
23 items in the meeting.

24 The committee also heard an update from staff on
25 the waste generation analysis -- of the Waste Generation

1 Analysis Branch on the development of the uniform waste
2 characterization method.

3 Dr. Eugene Tseng will be giving a presentation of
4 the computer model at the Local Assistance and Planning
5 Committee on February 8th.

6 I think it's going to be a very exciting display
7 of the Board's potential in terms of data and technology and
8 all of the Board members will be invited to sit in on that
9 and see what's being done on that method and I invite you
10 all to come.

11 That completes my report.

12 BOARD CHAIRMAN HUFF: Thank you very much.

13 Paul Relis.

14 BOARD MEMBER RELIS: The Market Development
15 Committee heard two appeals by applicants of staff regarding
16 the RMDZ loan applications.

17 In the first case, California Plastics Renewal
18 appealed staff's determination that the company did not meet
19 sufficient credit conditions to warrant further
20 consideration.

21 The committee referred the application to the
22 Board's RMDZ loan committee for reevaluation.

23 And we just heard the other appeal.

24 As far as the other items taken up, the private
25 recycled strategy is on today's consent agenda. This will

1 be a major new effort by the Board to provide assistance on
2 a voluntary basis to groups of businesses interested in
3 buying cost-effective recycled content products.

4 And we are proposing here to use an alliance
5 approach to work with specific business groups that would
6 make an effective grouping of product procurement.

7 The committee also recommended approval of the
8 revised recycling equipment tax credit report.

9 The only changes in that report are staff's
10 responses to the Department of Finance concerns, and they
11 are incorporated into the body of the report rather than
12 being appended.

13 Finally, the committee accepted the staff report
14 on the recycled content disclosure as a market development
15 tool.

16 As you'll recall, this is a look at a proposed
17 concept for market development.

18 After careful discussion and review of that report
19 no further action was recommended at this time and the
20 report was not forwarded to the Board.

21 BOARD CHAIRMAN HUFF: Okay. Finally I'll make the
22 Permit and Enforcement Committee report.

23 Most of our items, including compost regulations,
24 are on today's agenda.

25 I pulled Item 11, which was an informational item

1 that committee heard on the status of our LEA evaluations.

2 In that update staff reported that they have now
3 completed their evaluation on six jurisdictions and the
4 evaluations on 12 others are underway.

5 Staff is also continuing to pursue decertification
6 of the Colusa County LEA due to staffing deficiencies, but
7 staff are working closely with the local officials to ensure
8 adequate inspection and enforcement of facilities as this
9 process moves forward.

10 I also wanted to report on two issues related to
11 the tiered permitted structure this Board adopted in
12 November.

13 First, the Permitting and Enforcement Committee
14 adopted a schedule for slotting facilities into tiers. It
15 calls for work to begin on contaminated soil operations in
16 March, followed by transfer stations and MRFs and recycling
17 facilities in May.

18 Earlier this year and next year work will proceed
19 on ash, sewage sludge, and construction debris operations.

20 Secondly, I wanted to report that last Friday was
21 the first meeting of the working group that we have
22 assembled to come up with a general methodology for placing
23 certain waste, solid waste facilities into certain tiers.

24 While these discussions are just beginning, staff
25 presented a proposal which I understood the committee

1 participants generally accepted as an approach. This
2 approach focuses on the use of a limited number of
3 environmental indicators and our use of regulatory -- I'm
4 sorry, and our regulatory approach to those indicators.

5 This is a difficult process and I understand that
6 every individual who is participating on the committee has a
7 viewpoint as it relates to their particular facility.

8 Our problem's going to be to draw those viewpoints
9 out and form them, fashion them into a general approach that
10 can be applied to all operations and facilities.

11 Toward that end staff will be taking the
12 agreed-upon approach and developing it further to show how
13 it would affect the placement of facilities into the tiers.

14 This group will be meeting a couple of more times
15 in February to provide for input.

16 Anyone who wants more information on the project
17 should talk to Caren Trgovcich of our staff.

18 Now, we'll have the report of the executive
19 director, Mr. Chandler.

20 EXECUTIVE DIRECTOR CHANDLER: Thank you,
21 Mr. Chairman.

22 Good morning, members.

23 I have two items I wish to speak to this morning.

24 First would be an update on the flood and
25 emergency issues around the state.

1 And the second is an update on some press outreach
2 and media activities.

3 First with respect to the floods I wanted to
4 update you on the status of the impacts relating to the
5 recent flooding around the state.

6 First, I want to report that there was no major
7 damage incurred in any of the landfills statewide as a
8 result of the floods.

9 However, in the case of some more heavily impacted
10 counties, like Sonoma County, there were instances of access
11 roads being closed which necessitated the diversion of waste
12 to other regional facilities where regular operating hours
13 and daily tonnages had to be exceeded.

14 As a result, Board staff sent out a directive to
15 all LEAs providing guidance to document any violations that
16 were a direct result of the heavy rains and flooding and to
17 offer specific compliance time frames.

18 We're still receiving reports from LEAs on these
19 impacts.

20 And as you indicated in your opening remarks this
21 morning, Mr. Chairman, we're obviously still not out of the
22 woods with respect to the heavy rains that are ongoing.

23 In addition, staff prepared and distributed two
24 advisories to our county source reduction recycling
25 coordinators.

1 The first reminded affected jurisdictions to plan
2 for household hazardous waste collection during the cleanup
3 activities.

4 The second advisory identified the need to be
5 prepared to divert the construction and demolition debris
6 from landfills, especially sheetrock, wood and carpet.

7 Staff are currently in the process of sending
8 contact lists to all county coordinators identifying
9 businesses who have expressed an interest in obtaining these
10 materials.

11 With regard to our emergency regulations, I think
12 as a result of the flood disaster, staff are doubling their
13 efforts to move forward in the development of our long-term,
14 quote, "waiver regulations" for landfill operations.

15 These regulations would allow landfill operators
16 to obtain preapproved waivers to certain conditions in the
17 event of a Governor- or Presidential-declared disaster.

18 Staff are currently developing a team to prepare
19 these regulations with the resulting package to be
20 circulated to our LEAs, the County Environmental Directors
21 Association and to local jurisdictions for comment.

22 I anticipate these regulations will be brought
23 before the Board for action during May.

24 With regard to the Northridge update, while the
25 flood issue is most current in our minds, Board staff have

1 continued to be involved in issues relating to last year's
2 Northridge earthquake.

3 At the request of the City of Los Angeles, Board
4 staff sought an additional 120-day extension from the Office
5 of Administrative Law for the Northridge earthquake
6 emergency regulations, which was approved by OAL on January
7 19th and will provide the region flexibility as they
8 continue to clean up efforts in that area.

9 Secondly, on an update with some press-related
10 information, perhaps on a more positive note, I'm pleased to
11 report to you today on a number of activities relating to
12 media coverage on the Board's programs.

13 As we conclude in 1994 our Public Affairs Office
14 reported that the Board received coverage in over 700 print
15 and trade articles, which was an increase of about 60
16 percent over 1993.

17 As you know, this month our TV and radio spots on
18 waste reduction have been running in our pilot markets and
19 they continue to get a very good response.

20 I understand that these ads have been generating
21 over 300 calls per day to our hotline information on waste
22 reduction recycling.

23 For the print media this month we have recently
24 been featured in The Sacramento Bee in the business section
25 for our local waste reduction program and winners and we're

1 also the subject of a feature article on the Board's
2 vermicomposting program.

3 The article alone generated over 100 letters from
4 the public asking for more information, which I think is a
5 demonstration of our media efforts and how they can motivate
6 the public to divert waste.

7 Tomorrow we have a media event calendared. Board
8 Member Heidig, along with officials from Cal EPA, will be
9 participating in a press event which will be with the
10 Chevron Corporation for the establishment of what will be
11 our 1,000th used oil recycling center.

12 This event will be held in San Francisco and will
13 announce the addition of 50 Chevron stations in the Bay Area
14 to join our team of used oil collection program centers
15 around the state.

16 In closing, I want to share with you what one
17 radio station in the state has come away with in their
18 perception of recycling and state government.

19 KCBS radio broadcast an editorial on January 17th
20 where, among other positive comments, they reported on what
21 is termed a, quote, "government success story" about
22 recycling.

23 The station specifically referenced our 50 percent
24 waste reduction mandate for the year 2000 as a positive
25 government program and positive responses from the public

1 through curbside and other recycling programs.

2 In the closing comment of the editorial KCBS
3 stated, and I quote, "In this time when government is almost
4 a dirty word it's important to remember that taking care of
5 our environment through measures like recycling is a sort of
6 long-range planning government can do and should do." End
7 of quote.

8 With that positive thought, Mr. Chairman, members,
9 I conclude my report.

10 Thank you.

11 BOARD CHAIRMAN HUFF: Yes. I have a question of
12 your report, Mr. Chandler.

13 I understand that the article on vermicomposting
14 featured a very photogenic young boy with his worms.

15 EXECUTIVE DIRECTOR CHANDLER: I noted that picture
16 as well.

17 BOARD CHAIRMAN HUFF: And who might that young lad
18 be?

19 EXECUTIVE DIRECTOR CHANDLER: I would defer to
20 your colleagues on the Board to help me.

21 BOARD VICE CHAIRMAN CHESBRO: I have a famous son,
22 whose name is Alan Chesbro.

23 BOARD CHAIRMAN HUFF: Okay.

24 BOARD VICE CHAIRMAN CHESBRO: Famous worms, too.

25 BOARD CHAIRMAN HUFF: It was a heartwarming story.

1 BOARD VICE CHAIRMAN CHESBRO: Would you refer to
2 it as a worm shoot?

3 BOARD CHAIRMAN HUFF: Consent agenda consists of
4 the following items. Item 5, 7, 14, 15, 16, 18, 24, 25, 26,
5 27, 29 through 40, with the exception of the SRRE for 33 and
6 36. 42 through 66, with the exception of the SRRE for 44
7 and 63.

8 Yes?

9 Any changes? Anyone wish to pull anything?

10 Anyone wish to make a motion?

11 BOARD VICE CHAIRMAN CHESBRO: Did you finish the
12 list?

13 BOARD CHAIRMAN HUFF: Did I have to turn the page?

14 BOARD VICE CHAIRMAN CHESBRO: I thought you said
15 through 62.

16 BOARD CHAIRMAN HUFF: Did I say through 62? I
17 meant 42 through 66. If I misstated that, I'm sorry.

18 BOARD VICE CHAIRMAN CHESBRO: I'm not sure if you
19 did or not, but that's what I thought I heard.

20 BOARD CHAIRMAN HUFF: 42 through 66 with the
21 exception of the SRRE for 44 and 63. Okay.

22 Everyone clear on that now?

23 Sorry.

24 Is there a motion?

25 BOARD VICE CHAIRMAN CHESBRO: I'll move.

1 BOARD CHAIRMAN HUFF: It's been moved.

2 We have a prior roll call. Without the
3 exception -- without objection we'll substitute the prior
4 roll call.

5 The ayes are six, the noes are none.

6 I'm not talking well today.

7 The motion carries.

8 We now have Item 4.

9 MR. GORFAIN: Mr. Chairman, if I may present this
10 item.

11 The Waste Reduction Awards Program, or WRAP, newly
12 placed in the Waste Prevention and Market Development
13 Division under the recently completed realignment of the
14 Board, applauds the waste reduction accomplishments of
15 California businesses.

16 In 1994, the second year, WRAP experienced
17 tremendous growth and was met with great success.

18 The Board presented 292 WRAP awards to businesses
19 across California, 65 of whom were second-year winners.

20 Award recipients were selected based on their
21 efforts in the basics of reducing, reusing, recycling and
22 buying recycled content products, introducing more
23 innovative activities in the workplace and offering
24 incentives and rewards to employees who developed new waste
25 reduction ideas.

1 Each WRAP winner receives a certificate, which is
2 presented in a frame made from recycled materials, and the
3 use of the WRAP winner's logo.

4 Many businesses have expressed their appreciation
5 for the state-sponsored program that reinforces and
6 recognizes the voluntary waste reduction efforts.

7 Even if they did qualify for an award many
8 businesses felt and expressed to us that they benefitted by
9 simply applying and better understanding waste reduction
10 issues.

11 Before I introduce a couple of award winners from
12 Sacramento, I'd just like to acknowledge the good work of
13 staff, particularly Debra Custic, who has managed the
14 program since its inception, and Bill Orr, who has also
15 managed the program as her branch manager.

16 At this time it is my pleasure to introduce to you
17 today representatives from two of the 11 Sacramento County
18 WRAP winners. They will give a brief overview of their
19 waste reduction efforts which qualified them for the award.

20 First, if I may, I'd like to introduced Mr. Jim
21 David, manager of waste management at Aerojet.

22 Mr. David.

23 MR. DAVID: Mr. Chairman and the Board, on behalf
24 of Aerojet Sacramento operations I wish to extend my
25 appreciation and thanks for inviting me here today to

1 receive the 1994 waste reduction award for Aerojet in
2 Sacramento.

3 We believe the WRAP program provides Aerojet a
4 chance to show the State and the local community as well
5 that we are concerned citizens and environmentally sensitive
6 to the issues of resource conservation, waste reduction, not
7 only in solid waste, but in hazardous waste as well.

8 As an example of our accomplishments over the past
9 several years we have recycled over 300 tons of paper
10 through the Weyerhaeuser recycle program called WOW.

11 This has actually resulted in savings for our
12 company of in excess of \$31,000, saved over a thousand cubic
13 yards of municipal landfill space, and according to
14 Weyerhaeuser has saved 5600 trees.

15 So we feel that's a significant contribution.

16 And it is one of our key programs in our solid
17 waste reduction.

18 Other elements of our waste reduction program
19 include the recycle of plastic packaging materials, toner
20 cartridges. We recycle wood pallets, iron and melt scrap.

21 We buy recycled products, including notepads,
22 paper, Post-its.

23 We trade computer parts such as keyboards. Rather
24 than throw them away we actually turn them in and exchange
25 them.

1 We donate computer paper and office supplies and
2 items such as that that are still in good condition to local
3 schools and needy organizations.

4 Again, we have an ongoing program. It's been in
5 place for a number of years. We are looking at expanding it
6 into cardboard recycling, which is actually presenting us
7 one of our greatest challenges because of the large facility
8 we have. We have cardboard packaging in quite a few places.

9 We are also looking at using returnable packaging
10 for some of our new projects such as the natural gas
11 cylinders that Aerojet recently won a contract for through
12 PG&E.

13 Again, I'd like to extend my thanks to the Board
14 for inviting me here today to receive this award and if you
15 have any questions about our program I guess now would be a
16 good time to present them.

17 BOARD CHAIRMAN HUFF: Any questions?

18 BOARD VICE CHAIRMAN CHESBRO: Not a question, but
19 a comment. It's very impressive and exciting to be able to
20 spotlight a new award and the things you do.

21 MR. DAVID: Thank you very much. We appreciate
22 the opportunity to show the community that we are doing a
23 good job.

24 MR. GORFAIN: Okay. The second award winner is
25 Debra Scott, who is president of Sacramento Lighting

1 Services, Inc.

2 MS. SCOTT: Good morning. It's still morning.

3 Good morning.

4 And I'd like to extend our appreciation to the
5 Board for the award from the WRAP.

6 If I appear a little nervous it's the first time
7 I've been presented with an award and we are very honored
8 and appreciative.

9 I accept it on behalf of not only by myself, but
10 my entire staff, because it's not only one person that deals
11 in the recycling, it is every individual of our company that
12 takes part in it and I think that's what the Board is
13 wanting to impress upon the State of California that
14 everyone take it upon themselves to put forth the effort.

15 As only a four-year-old company and not quite as
16 large as Aerojet, maybe one of these days, my husband and I
17 started this company out of our home.

18 What we did was we saw an opportunity to improve
19 the environment through energy efficiency. And our company
20 retrofits lighting in commercial buildings.

21 And it actually cuts the cost from 40 to 70
22 percent.

23 In doing so we find that we are also recycling.
24 We are redirecting that energy for the utilities so that
25 they do not have to build new power plants.

1 And in terms, you know, cut costs for the
2 commercial customer and cuts their overhead and that.

3 What we do on our end is we take the lamps, which
4 mount into the thousands that also come to us in cardboard,
5 we recycle the cardboard.

6 We recycle the lamps through mercury technology,
7 because you're not allowed in the State of California to
8 throw more than 25 florescent tubes in a dumpster. It's
9 against the law and you can understand because of all the
10 mercury. So we recycle on a monthly basis.

11 And we also recycle the ballast, which are not
12 only PCBs. We manifest it through full circle ballast. We
13 pack them in 50-gallon drums and they are incinerated.

14 We also incinerate the non-PCB ballasts. So if
15 you have a building that's older than 79 years -- in 1979
16 that existed before then you can be sure you have PCB
17 ballast.

18 So what we have done over the last four years, not
19 only for our company, but we have touched hundreds and
20 thousand of lives in Sacramento and State of California by
21 helping them reduce their energy costs. So therefore they,
22 if they don't know it, they are also recycling on their
23 parts.

24 So I just like to say I appreciate this award and
25 we will continue to do our part for the next four years,

1 five years. We intend to be a major player in the recycling
2 industry.

3 I thank you. And if you have any questions, feel
4 free.

5 BOARD CHAIRMAN HUFF: Any questions?

6 BOARD VICE CHAIRMAN CHESBRO: So you in addition
7 to retrofitting, I assume you continue to service those
8 businesses?

9 MS. SCOTT: We maintain those businesses for
10 approximately three years free of charge.

11 BOARD VICE CHAIRMAN CHESBRO: So the bulbs that
12 you have sold them that --

13 MS. SCOTT: That we've taken out, we recycle.
14 Same with the ballast and the tin and the metal.

15 BOARD VICE CHAIRMAN CHESBRO: Now, do you ever --
16 I know that there's some of those that are available that
17 have the reusable ballasts, where you just get a new bulb
18 and plug the bulb in?

19 MS. SCOTT: You're not really benefitting the
20 customer by doing that. You need to take out that standard
21 ballast and put in an electronic ballast.

22 BOARD VICE CHAIRMAN CHESBRO: I'm talking about
23 the bulbs that you buy that have reusable ballast, that you
24 replace the bulb and --

25 MS. SCOTT: The compact.

1 BOARD VICE CHAIRMAN CHESBRO: Yeah.

2 MS. SCOTT: That's also saving energy.

3 BOARD VICE CHAIRMAN CHESBRO: It also saves having
4 to manufacture new --

5 MS. SCOTT: This is true.

6 But we deal in mainly, like what you are looking
7 up here at your ceiling, the florescents, the cans, the
8 incandescents, the outdoor lighting, and that can amount
9 into the hundreds of thousands of dollars for the commercial
10 end users.

11 BOARD VICE CHAIRMAN CHESBRO: I see.

12 MS. SCOTT: Thank you.

13 BOARD VICE CHAIRMAN CHESBRO: Congratulations.

14 MS. SCOTT: Thank you very much.

15 BOARD CHAIRMAN HUFF: Okay.

16 (Chairman Huff presents the awards
17 to the recipients.)

18 BOARD CHAIRMAN HUFF: This one is yours.

19 MR. DAVID: Thank you very much.

20 (Applause.)

21 BOARD CHAIRMAN HUFF: It's always fun to do those.
22 This is a great program. It's a voluntary program. It
23 affords the private sector a chance to really show what the
24 private sector can do in this area and I love this program.

25 Item 20, composting regulations.

1 MS. TRGOVCICH: Good morning, Mr. Chair and
2 members.

3 The item before you this morning is consideration
4 for approval of the proposed composting operations
5 regulations package.

6 Specifically, the item this morning is to discuss
7 the incorporation of changes into what will hopefully be the
8 final 15-day comment period on these draft regulations as
9 they relate to agricultural composting and sludge material
10 composting.

11 I'd like to provide you with a very brief history
12 in order to set the context for this discussion.

13 This regulations package for all tiers of
14 composting operations and facilities was originally noticed
15 on August 19th. That 45-day initial comment period ended on
16 October 4th with a public hearing the same day.

17 Subsequently an additional 15-day comment period
18 was initiated with a package dated December 6th, which that
19 comment period ended on December 22nd.

20 The composting regulations generated a significant
21 amount of comment and two specific areas have been the
22 subject of several committee meetings and Board meetings as
23 well.

24 The two areas are the topic of agricultural
25 composting and sludge material composting.

1 With respect to agricultural composting the
2 concerns are regarding whether or not the regulations treat
3 composting by agriculture differently than commercial
4 composting operations.

5 With respect to sludge there was a significant
6 amount of concern in the public comment over whether or not
7 sludge is appropriately placed in the tiers.

8 Proponents of sludge composting indicated that
9 because of the extensive federal regulation of this material
10 at this time that the Board should reconsider placement of
11 sludge composting into the lower tiers.

12 In December the Permitting and Enforcement
13 Committee heard proposals as it related to the topic of
14 agricultural composting and the use of clean green.

15 These proposals expanded on the concept of clean
16 green as it is currently incorporated into the draft
17 regulations and would establish a new category of feedstock
18 that would then be placed into the regulatory tiers.

19 In December the Board heard this proposal as well
20 and referred the proposal back to committee for
21 consideration at its January meeting.

22 Last week the Permitting and Enforcement Committee
23 considered a variation on this proposal that would rather
24 than create an additional feedstock category it would
25 broaden rather the availability to use agricultural material

1 as a feedstock in composting.

2 So it took the proposal of clean green, which was
3 discussed at both the December Permitting and Enforcement
4 Committee meeting, as well as the Board's general business
5 meeting, and took that proposal which would have created new
6 feedstock and it focused on the definition of agricultural
7 composting and broadened the ability of entities to be able
8 to use agricultural material.

9 I'd like to briefly summarize this proposal and
10 I'd like to point out that staff just developed language as
11 well which would implement this proposal.

12 This language was passed out as Item 20 to Board
13 members yesterday and is included on the back table as well.
14 And I believe that most members of the audience do have it
15 because most of the copies are gone.

16 I'd like to move then to page four of the item
17 that was handed out on the back table. It is included in
18 the packet. And I'm just going to briefly paraphrase or
19 summarize what the elements of the new agricultural
20 composting proposal would do.

21 With respect to the definition of agricultural
22 commodity we have -- that was a topic of discussion at the
23 last meeting and we have linked that definition with the
24 definition in the Food and Agricultural Code with respect to
25 what constitutes agricultural commodities and processing.

1 And this would tie in the agricultural commodity
2 definition to specific processes including fermenting,
3 distilling, chipping and other types of processes which do
4 not change the product that is being marketed.

5 Moving into the definition of agricultural
6 composting operation, at the last committee meeting last
7 week it was the direction of the committee to proceed to
8 develop this to eliminate the tie to agricultural operation,
9 so that an agricultural composting operation could now be
10 conducted by any entity as long as they were using
11 agricultural material as a feedstock.

12 This definition is then further expanded to allow
13 the use or to allow the composting of agricultural material
14 as a feedstock in connection with clean green.

15 And we'll define clean green next, moving down to
16 the bottom of the page.

17 The definition for clean green would be material
18 that is processed at a permitted solid waste facility in
19 order to reduce contamination to the greatest extent
20 possible.

21 The meeting last week identified tree and
22 landscaping trimmings that are chipped at the point of
23 generation as also being considered an element of clean
24 green.

25 At last week's meeting the concept of mobile was

1 included in the proposal and we have further refined that to
2 be considered as the point of generation.

3 The clean green -- the application of the
4 requirements for what constitutes clean green I will discuss
5 in a moment because we needed to create a new section that
6 relates to clean green processing, because these regulations
7 affect composting as opposed to clean green processing.

8 Moving on to the next page the definition of
9 chipping and grinding we discussed at the last meeting that
10 for enforcement purposes the identification of the specific
11 time period in which a chipping and grinding operation or
12 activity could store material on site is problematic.

13 And we've replaced that with language that says
14 that chipping and grinding shall not include activities that
15 produce materials that will be marketed based on biological
16 decomposition that has occurred to the material.

17 So the concern that was raised with respect to
18 chipping and grinding was that the material may be chipped
19 and ground and then marketed as compost.

20 And so we feel that this provision addresses that
21 concern so that if an activity that's chipping and grinding
22 bags that material or intends to sell it in bulk and says
23 this is composted material, then that activity would fall
24 under the scope of these regulations.

25 Excluded activities. Excluded activities include

1 the concept of the use of agricultural commodities only when
2 it is not being sold or given away above the incidental
3 amount of 2500 cubic yards or greater on an annual basis.

4 Agricultural composting operations, as a result of
5 the meeting last week now include two types of composting
6 operations, those which use only agricultural commodities
7 and the product then may be sold or given away without
8 restriction.

9 Secondly, those that use agricultural commodities
10 in conjunction with clean green material and the product
11 there may only be sold or given away in an amount not to
12 exceed 1,000 cubic yards per year.

13 I'd like to point out that the use of the
14 agricultural commodities with clean green cannot exceed a
15 50/50 mixture as it relates to the agricultural -- as it
16 relates to the active compost. And that's included in the
17 regulations.

18 The agricultural composting operations also now
19 include an inspection by the LEA and a minimum of once every
20 three months for those operations that only compost
21 agricultural commodities and have no restriction on sale or
22 giveaway. Other inspections are at the discretion of the
23 LEA.

24 With respect to green material composting
25 operations and facilities, the discussion last week included

1 a discussion on the small volume category which in prior
2 regulations was at 2500 cubic yards of feedstock and active
3 compost.

4 And our discussions last week lowered that small
5 volume amount to 1,000 cubic yards of feedstock in active
6 compost.

7 This type of composting operation would fall into
8 the notification tier.

9 All other composting of green material, meaning
10 1,000 to 10,000 cubic yards, would fall into the
11 registration tier, and 10,000 cubic yards and greater would
12 fall into the standardized tier.

13 The final section as it relates to this proposal
14 would be what we call clean green processing requirements,
15 because these requirements are imposed not on the compost
16 operator, but on another entity with a permit that is a
17 permitted solid waste facility.

18 And what we've done is we've gone ahead and listed
19 the requirements that this facility must meet, including
20 load checking, meeting metal concentration limits and
21 training of facility personnel.

22 And it is the compost operator that would then
23 need to acquire and maintain or obtain and then maintain
24 records of compliance by the permitted solid waste facility
25 to this effect.

1 The other item for discussion at last week's
2 meeting included the issue of sludge composting as well.

3 And I'd like to briefly pass out, we just
4 completed the language on that proposal, and I'm going to
5 pass that out.

6 And these changes were also included on the back
7 table for the audience.

8 As we discussed at last week's meeting, sludge
9 composting would now be placed into two of the regulatory
10 tiers.

11 Sludge composting with up to 10,000 cubic yards of
12 feedstock and active compost on site would fall into the
13 registration tier, while sludge composting with greater than
14 10,000 cubic yards of feedstock and actual compost would
15 fall into the standardized permit tier.

16 We have also included under the general
17 recordkeeping requirements provisions as it relates to the
18 direction of the committee last week to limit the use of the
19 compost sludge for composting to Class B sludge as it
20 relates to the Federal 503 standards, specifying different
21 classifications.

22 Staff has included language which would require
23 sludge composting facilities falling into both the
24 registration and standardized tier to meet the Class B
25 standards.

1 We are seeking clarification from the Board
2 members that that was in fact the direction of the committee
3 and the Board at this time.

4 Under the general recordkeeping requirements in
5 order to implement this section we are then proposing to
6 include a separate section saying that the operator of a
7 sludge composting facility shall obtain records
8 demonstrating compliance with that section, meaning meeting
9 Class B federal standards.

10 The changes which I've just summarized are
11 proposed for inclusion in the next 15-day notice.

12 Staff are proposing that this notice be sent to
13 the Department of General Services for mailing tomorrow.

14 That package should hopefully be in the mail by
15 Friday and be received by all interested parties Monday or
16 at the latest Tuesday of next week.

17 The 15-day comment period would then commence and
18 a special meeting of the Board would then be held on
19 February 14th to consider that item and pursue adoption of
20 this regulatory package.

21 That concludes staff's presentation.

22 BOARD CHAIRMAN HUFF: Any questions of the staff
23 presentation?

24 I want to say that this has been a long and
25 difficult process, and through it all the patience,

1 insightful and downright professionalism of staff has
2 been something that has gotten us all through this.

3 And I'd also like to say that the regulated
4 community is also to be commended for their willingness to
5 work with us and work with staff and to implement what is
6 clearly a difficult thing to implement.

7 So I want to thank both the staff and the
8 regulated community for their participation in this process.

9 Is there any questions of the staff presentation?

10 There are none.

11 Ms. Gotch, you want to make your --

12 BOARD MEMBER GOTCH: Mr. Chairman, I recuse myself
13 from this item at the advice of Board legal counsel.

14 BOARD CHAIRMAN HUFF: Very well.

15 This isn't news. You did this last time we
16 considered it.

17 But just to put that on the record for this time
18 and to make sure that people are aware of what's going on,
19 Ms. Gotch wanted to make that statement.

20 Okay. If there are no questions of staff
21 presentation we do have a few people who would like to speak
22 to us on this.

23 And I think at this point I'll reverse myself and
24 I'll take biosolids first. I've always made these biosolids
25 issues take a back seat to the green issues but let's have

1 biosolids.

2 Mr. Whitney.

3 Notice, I refrained from calling you a biosolids
4 person?

5 MR. WHITNEY: Yes. Thank you.

6 Good morning, Mr. Chairman, members, staff.

7 Thank you very much for having this finally at a
8 decision point. It's been a long time. A lot of us have
9 worked very hard getting to this point and I think we made
10 considerable progress in the last several months very
11 quickly.

12 As I understand it, I just got this page this
13 morning from the back table, as I read it I'm very
14 supportive of it with the exception of this definition
15 clause.

16 And I was not able to stay for the entire hearing
17 last week so there may have been compromise struck or a
18 decision made that I'm not aware of.

19 But my point of view on this Section 17852 where
20 it defines sewage sludge as a Class B material, vis-a-vis
21 composting, as I read that if it's not Class B material then
22 it cannot be composting. Therefore it has to be disposed
23 of, therefore it adds to the -- it takes away capacity in
24 the landfill.

25 The second point would be is that non-Class B

1 sludge, lesser quality than that standard that EPA has set,
2 when you compost it it is a treatment process and in that
3 process it becomes Class A sludge, which has unlimited use.

4 Therefore I think this Board should encourage us
5 to compost non -- less than Class B sludge, because it does
6 improve its quality, thereby making it a reusable material.

7 So with that exception, though, I support the
8 amendments on the 10,000 ton limitation and that bifurcation
9 of those two permits.

10 I'd be glad to answer any questions if you have
11 them.

12 BOARD CHAIRMAN HUFF: Any questions?

13 Thank you.

14 Roberta Larson.

15 MS. LARSON: Thank you, Mr. Chairman, members.

16 I, too, would like to acknowledge how far we've
17 come on this issue and our appreciation for the efforts of
18 staff and the Permit and Enforcement Committee.

19 And also to thank you for allowing us the chance
20 to go first this time.

21 In return, I'll try to be brief.

22 I echo the comments of Mr. Whitney. CASA supports
23 the 10,000 cubic yard split between registration and
24 standardized, but we share the concern about defining
25 compost or sludge that can be composted as Class B sludge.

1 We would accept that anything that was to be
2 permitted at the registration level needs to be Class B. We
3 would be willing to go along with that.

4 Our concern, though, is the same as Clint's, which
5 is that what we would be saying is we couldn't compost it at
6 all and even if we got a standardized permit and that just
7 doesn't seem to make sense because compost is a treatment
8 process that reduces pathogens and actually makes a salable
9 product.

10 So again with that exception we would support this
11 and thank you for your efforts.

12 BOARD MEMBER RELIS: Could I ask a point of
13 clarification on that?

14 On this split, what's your understanding then of
15 the B, demarcation for the smaller operators and then why
16 that wouldn't fit for the standard?

17 MS. LARSON: I guess our concern is, frankly,
18 Class B and Class A and all these EPA designations are
19 intended to refer to final product. That's the way they're
20 intended.

21 We actually don't think the focus should be on the
22 feedstock at all at that point, because the whole purpose of
23 composting is to get you to something that is a product
24 that, say, meets Class A or Class B standards.

25 Given that, however, we think it would be a

1 reasonable compromise to say that if you're going to be
2 permitted at this lower registration level we would be
3 willing to accept that you needed to start with a Class B
4 sludge as a feedstock.

5 But if the Board adopts this the way it is now
6 even if you got a standardized permit and complied with all
7 of the requirements of that you could not compost anything
8 other than Class B materials and we just don't think that
9 makes sense.

10 Does that help?

11 BOARD MEMBER RELIS: Yeah. I didn't understand
12 our intent.

13 BOARD CHAIRMAN HUFF: I'm not sure that that was
14 our intent, because prior to that committee action, whenever
15 that was last week, you could compost Class -- less than
16 Class B in the standardized tier.

17 And I think we wanted to keep you at that.

18 And so I think that ought to be a clarifying
19 change.

20 MS. TRGOVCICH: Staff was unclear as to whether or
21 not the Class B referred to both tiers or registration only.
22 So we put it out as a point of discussion.

23 BOARD CHAIRMAN HUFF: Well, good for you. That's
24 exactly what you should do. And we've discussed it.

25 It was the end of a long day and I made biosolids

1 go last last time and that might have been contributory.

2 But I think that if you're in the standardized
3 tier it doesn't have to be Class B.

4 If you want to be in the registration tier and
5 you're smaller than 10, what you've got to use is Class B to
6 start with, because it's the registration tier. It is
7 truly, it's not a discretionary permit. And for that reason
8 I think that it's responsible on our part to attach some
9 conditions.

10 MS. LARSON: And we agree that's a reasonable
11 compromise.

12 With that change we would be fully supportive of
13 the recommendation.

14 BOARD CHAIRMAN HUFF: I sense consensus breaking
15 out. Thank you.

16 Penny Hill.

17 MS. HILL: Good morning. My name is Penny Hill.
18 I'm with the Los Angeles County Sanitation Districts.

19 We also support allowing biosolids facilities that
20 receive Class B biosolids and are less than 10,000 cubic
21 yards to be permitted through a registration permit.

22 And if it was greater than 10,000 yards,
23 regardless of the incoming quality, you could be permitted
24 through a standardized permit.

25 I'd like to take just a few minutes to outline why

1 this approach is both important and appropriate.

2 First, biosolids have a long history of safe use
3 throughout the world.

4 As an example, my agency has been involved in
5 successful biosolids recycling for nearly 70 years with
6 Kellogg's Supply.

7 Kellogg is a company who produces compost based --
8 biosolids based compost products and they sell it as soil
9 amendment in retail outlets throughout the State of
10 California.

11 During this time there have been no incidents of
12 death or disease from biosolids recycling.

13 Second, there is no technical evidence that
14 supports that biosolids composting facilities present any
15 greater risk than other types of composting facilities.

16 I suspect this is why in the current draft
17 regulations the same minimum standards for design operation
18 and product quality are applied across the board in each
19 tier, regardless of the feedstock being composted.

20 Next, to address inspection and enforcement
21 concerns it should be noted that statute defines composting
22 facilities as solid waste facilities.

23 The regulatory tier requirements adopted last
24 November define the registration, standardized and full
25 permits as solid waste facility permits.

1 Therefore LEA inspection and enforcement criteria
2 as set forth in the PRC applies equally to all facilities
3 holding any of these three permits.

4 The criteria I'm referring to include PRC Section
5 43209, which empowers the LEA to inspect solid waste
6 facilities and enforce applicable standards.

7 Section 43218, which requires monthly LEA
8 inspections, and Section 43219, which allows the Board to
9 conduct additional inspections and bring enforcement action
10 where appropriate.

11 Finally, treating biosolids differently than the
12 other feedstocks suggests greater dangers associated with
13 this material.

14 This is simply not true and has far-reaching
15 negative impacts with respect to public perception and
16 public acceptance.

17 Leadership in educating the public to the facts
18 rather than promoting the spread of misperceptions is
19 necessary for successful biosolids recycling.

20 A first step in accomplishing this is equal
21 treatment within the tiers.

22 In summary, our recommendation is allow biosolids
23 composting facilities to be eligible for the registration
24 and standardized tiers based on size.

25 With respect to the Class B requirement I'd like

1 to echo what my colleagues have already said. Composting is
2 a process that further reduces pathogens.

3 And while we don't think it's necessary, we do
4 support the requirement to have Class B feedstock go into a
5 registration facility and then a standardized would accept
6 any quality of feedstock.

7 Thank you.

8 BOARD CHAIRMAN HUFF: Any questions?

9 I think that we're there already; aren't we?

10 MS. HILL: Yes.

11 BOARD CHAIRMAN HUFF: Thank you.

12 That's all the requests I had relative to
13 biosolids.

14 Is there anyone else who failed to fill out one of
15 our wonderful slips of paper?

16 You did. All right. This time.

17 MR. PRICE: My apologies this time.

18 My name is Ben Price. I'm representing the
19 Southern California Alliance of POTWs.

20 Just a brief comment, to thank you for the work
21 that you've put in.

22 We are, again, in agreement with what you're
23 proposing with the modification that was just mentioned, the
24 compromise, regarding the Class B.

25 And we very much thank you and encourage your

1 approval.

2 BOARD CHAIRMAN HUFF: Thank you.

3 Any questions?

4 Okay. I have not very many, but a few people who
5 want to talk us, I think, about the green side of things.

6 So I'll begin with Dave Hardy.

7 MR. HARDY: Good morning. I'm David Hardy. I'll
8 be speaking as president of the California Organic Recycling
9 Council.

10 I'd like to start off with our appreciation for
11 staff and the long and arduous effort in developing these.

12 However, all of us are fairly optimistic that we
13 have this about licked and we're ready to get it ratified
14 and move forward.

15 I will have a few comments. No surprise.

16 A couple of things that we would like to recommend
17 and first and foremost has to do with commercial
18 landscapers, tree trimmers and such.

19 Putting specifically in a material that has to be
20 chipped we really feel is not practical. There's nothing
21 that a chipper provides to organics that makes it any
22 cleaner than a person that mows lawns for a living that
23 throws it in a sack and would bring it to the material.

24 So I would suggest in the interest not only
25 economics and supporting these people that do this that that

1 be loosened up a little bit for folks that are professional
2 landscapers.

3 Secondly, the argument that has arose between the
4 commercial side and agriculture, I think we have that pretty
5 much close. The proposal that recently came out of the Wine
6 Institute we like with a few suggested modifications.

7 But on the other hand as we all recognized since
8 we have been in this industry that agriculture has to be
9 embraced for the longevity of the industry and whatever
10 steps the Board can take, as well as industry, can encourage
11 that should happen.

12 One of our primary concerns was allowing
13 agriculture to get into the fold, but to the point of them
14 being able to operate and then being able to dump material
15 on the marketplace and cause an unfair and competitive
16 advantage the limitation to 1,000 cubic yards annually is
17 reasonable and would not affect any particular local market.

18 In relation to clean green, which we think is a
19 good concept, although we would like to publicly state that
20 there is some misperception that material that comes out of
21 transfer station is cleaner than what comes from a
22 source-separated curb facility.

23 I can tell you from personal experience that
24 material that comes out of a transfer station or MRF is
25 significantly dirtier and more difficult to process than

1 something that comes straight from the curb. It has to do
2 with the way it's handled.

3 Yes, by volume you can say technically that
4 contamination level is small. However, it's shattered glass
5 and absolutely impossible to get out once it's been handled
6 that way, versus when it comes directly from a facility it's
7 actually hand picked, the loads are inspected and the
8 overall quality of the material on a commercial level versus
9 somebody that's just going to apply it and till it into the
10 land is substantial.

11 And we suggest that maybe this could be revisited.

12 And secondly we are also a little fearful that
13 this sets a bad precedent.

14 And a lot of our members are deeply concerned that
15 the Board is taking on a role that has the taste of flow
16 control, another noncontroversial issue in this State.

17 Actually requiring something to come out of a
18 transfer station or such, we'd like to discuss this. We
19 don't know if there's room to negotiate, but we would like
20 to very much.

21 BOARD MEMBER RELIS: Could I have a point of
22 clarification there, since that is a subject that I've done
23 some work on it.

24 It's my understanding, I mean, I see little
25 difference between how clean green would be handled at a

1 transfer station versus any other facility. It meets a
2 criteria. We're not talking necessarily about mixed waste
3 being converted into clean green.

4 Also the material would not be restricted to a
5 particular site. It would just be a permit requirement that
6 would determine the handling of clean green.

7 So I don't understand that point.

8 MR. HARDY: I'd like to answer that with two
9 points.

10 First one I'll respond to the transfer station.

11 Typically in a lot of the facilities that are
12 currently producing green waste they bring the material in
13 typically in source-separated fashion. It's thrown on a
14 tipping floor and then it's processed through typically a
15 trammel screen. It's not hand picked. When it goes through
16 the trammel screen the theory is to get your paper and
17 residual pieces of metal, diapers and things like that out.

18 Good theory.

19 In practice what happens is that the glass gets
20 shattered. Small bits of plastic and everything else go
21 into the material.

22 Once it's been shredded like that it's impossible
23 to get it out and the grade of the compost is diminished
24 versus when it goes into a typical composting facility it's
25 handpicked, which cuts down the contamination level.

1 And which brings me up to my last question.

2 It's my understanding of it is, and if staff or
3 Board can comment, if any of our members is in the
4 registration tier they are technically a certified solid
5 waste facility; is that correct?

6 MS. TRGOVCICH: That's correct. Anything in the
7 registration, standardized or full permit tier is a solid
8 waste facility.

9 MR. HARDY: Which we feel the registration tier
10 the staff and Board and industry has done a good job and
11 it's not nefarious as it was in the past and it's reasonable
12 and workable and we look forward to implementing it and
13 getting all our members into the fold.

14 Thank you.

15 BOARD CHAIRMAN HUFF: Thank you.

16 Any questions?

17 Mr. Egigian.

18 BOARD MEMBER EGIGIAN: I don't have any questions,
19 but I was, a little over a month ago I had the opportunity
20 to meet with the gentleman that just spoke before us and
21 visit his establishment.

22 And I've seen compost establishments before, but
23 none run more, I should say efficiently and effective as
24 this one.

25 I had no smell coming from that at all. And a lot

1 of compost facilities you get some pretty good heavy smells.

2 So I just want to comment on the fact that the man
3 is running a good ship and he knows what he's talking about.

4 MR. HARDY: Thank you very much.

5 BOARD CHAIRMAN HUFF: Yes, Mr. Chesbro.

6 BOARD VICE CHAIRMAN CHESBRO: Mr. Chairman, I want
7 to clarify the situation Mr. Hardy was describing where you
8 have materials that were mixed in with the green waste and
9 then processed at a MRF would be considered mixed solid
10 waste compost; are they not?

11 BOARD MEMBER RELIS: Well, there's the
12 contamination requirement. If they fall outside the
13 contamination requirement they're not clean green, they're
14 into a whole different --

15 BOARD VICE CHAIRMAN CHESBRO: And the regulations
16 have adequate distinctions to make that --

17 BOARD MEMBER RELIS: We tried to make that very --

18 MS. TRGOVCICH: The regulations define the scope
19 of the green material feedstock. It specifies what that
20 feedstock is.

21 BOARD VICE CHAIRMAN CHESBRO: And it can't have
22 been mixed with the general waste stream if it's called clean
23 green; right?

24 MS. TRGOVCICH: It could be. I'll ask Scott
25 Humpert to answer that.

1 MR. HUMPERT: Currently the definition of green
2 material includes material that has never been mixed with
3 other waste, but also material that has been mixed with
4 other waste but has had that waste sorted out. So it would
5 be separated at a centralized facility.

6 BOARD CHAIRMAN HUFF: It has to meet certain
7 standards.

8 MR. HUMPERT: Essentially that's correct.

9 BOARD VICE CHAIRMAN CHESBRO: That's the
10 difference between green and clean green then?

11 BOARD MEMBER RELIS: Yes.

12 BOARD CHAIRMAN HUFF: Okay. Mark Leary.

13 MR. LEARY: Good morning. My name is Mark Leary.
14 I'm with Browning Ferris Industries.

15 I'd like to echo the preceding speakers' words of
16 compliments and good work. The staff has bent over
17 backwards to hear us and the Board members have acknowledged
18 our issues and directed the staff accordingly.

19 I appreciate Chairman Huff's words about industry
20 working together on this. It really has been a cooperative
21 effort, an arduous effort, but a cooperative effort.

22 And I'd like to particularly acknowledge the
23 efforts of Scott and Caren and Elliot and Howard Levenson.
24 Very open and accessible and we very much appreciate it.

25 As you know, BFI's issue from the beginning has

1 been one of permit equity, making sure that similar
2 operations are treated similarly, regulated similarly.

3 I'm here to say that you've heard us and we
4 appreciate the work. We're almost there.

5 And it's really a matter of our remaining issue is
6 really a matter of semantics more than anything, but it's
7 not insignificant.

8 Page four, the definition of agricultural
9 composting operations, we would like you to call it
10 something else. It is what we have done here is made it
11 distinguish -- we've distinguished on the basis of
12 feedstock. Agricultural composting operations implies that
13 it's an operation associated with agriculture.

14 It's not an operation associated with agriculture.
15 It's an operation that handles agricultural source material
16 as a feedstock.

17 It may be just a matter of semantics, maybe the
18 adjective is in the wrong place. It's significant.

19 I think it still hits back to the heart of the old
20 issue with BFI and others in the industry that there's a
21 distinction being made here among who's doing what, when in
22 fact we're not distinguishing any longer about who is doing
23 it, we're distinguishing on the basis of feedstock.

24 I might suggest that we simply call it composting
25 using agricultural source or agricultural materials. That's

1 different than the way it currently reads.

2 And I think it's a significant difference.

3 So with that again I appreciate the hard work.

4 It's my comment is primarily one of an image and
5 semantics, but again I think it's substantive to us.

6 MS. TRGOVCICH: If I can respond.

7 BOARD CHAIRMAN HUFF: Yes.

8 MS. TRGOVCICH: In order to make it consistent
9 then with the other operations and facilities that are being
10 placed in the tier we would propose to call it either
11 agricultural material composting operation or because the
12 definition is agricultural commodity we could say
13 agricultural commodity composting indication.

14 MR. LEARY: Either of those work.

15 BOARD CHAIRMAN HUFF: I think agricultural
16 material probably makes more sense.

17 MS. TRGOVCICH: All the other feedstocks are
18 called either sludge material or green material, et cetera.

19 BOARD CHAIRMAN HUFF: Okay. Can we do that
20 without harm?

21 MS. TRGOVCICH: Yes.

22 MR. LEARY: Thank you.

23 BOARD CHAIRMAN HUFF: Larry Sweetser.

24 MR. SWEETSER: Larry Sweetser, director of
25 regulatory affairs for Norcal Waste Systems.

1 Good morning, Board members.

2 I'd like to echo the Chair's comments and
3 commendations on staff. I think it's been a long time
4 through this process and they've been very cooperative also
5 and I won't belabor the point too long.

6 I think it's amazing that everybody has managed to
7 keep their sanity in this process. But I think what we've
8 ended up with is very workable package.

9 BOARD CHAIRMAN HUFF: Speak for yourself.

10 MR. SWEETSER: And we look forward to the
11 completion of the 15-day comment period to iron out the few
12 remaining issues.

13 And with that I think I'll say the magic words, we
14 can live with it.

15 BOARD CHAIRMAN HUFF: Wonderful.

16 I love those magic words.

17 Mike Falasco.

18 MR. FALASCO: Good morning. I'm Mike Falasco with
19 Wine Institute.

20 Couple small points I wanted to raise.

21 Before I raise those points, like the other recent
22 testifiers, great deal of thanks goes to all the Board
23 members. The staff has spent untold hours laboring over
24 this area of compost.

25 The two points that I wanted to raise, one of them

1 is addressed in the addendum agenda item today. On page six
2 of the composting regulatory regulations, the very last
3 line, actually subsection, talks about the agricultural
4 composting operations are -- now we'll call them
5 agricultural material composting operations, shall be
6 inspected by the LEA at least once every three months.

7 It was our understanding in last week that the
8 Permitting and Enforcement Committee said there should be
9 once every three months as long as you're actively
10 composting.

11 The real real problem situation is such that many
12 farmers will not be composting six to eight, ten months a
13 year, not ten months, six, eight months a year and for them
14 to have to pay a fee and the LEA to come out and see nothing
15 would really stick in their craw and I think would cause a
16 backlash.

17 So the language that I would propose to add
18 consistent with what I believe was the committee's
19 recommendation last week to the full Board is after the word
20 "months" these five words, "during periods of active
21 composting."

22 So if a farming operation or agricultural material
23 composting operation is composting 12 months a year they're
24 going to get 12 inspections, four inspections. If it's just
25 once a year, they are going to get one inspection.

1 BOARD CHAIRMAN HUFF: I think that's a very
2 reasonable request and we can make that change.

3 MR. FALASCO: Thank you.

4 The last point is one that's not addressed in
5 these regulatory changes but one I believe that the
6 committee agreed to last Wednesday, I guess it was.

7 And that is if you're an agricultural material
8 composting operation in either exclusion tier, the
9 notification tier, you wouldn't be subject to the general
10 design requirements. Those are in section --

11 BOARD CHAIRMAN HUFF: I recall. I remember that.

12 MR. FALASCO: I think I'm looking at Section
13 17856, if I'm correct. Yes. And that's on page 39 and 40.

14 Many of these operations are already in place
15 having to go through the expense of having engineers come
16 out and redetermine their design, it's going to be
17 burdensome.

18 We treated them differently than those products or
19 those operations facilities in the registration tiers.

20 We would request that that exclusion would apply
21 to those particular agricultural material composting
22 operations in the exclusion and notification tier.

23 MS. TRGOVCICH: We just didn't excerpt it for this
24 item, but what we've done in the revised draft is made that
25 requirement apply only to composting facilities, so

1 registration --

2 BOARD CHAIRMAN HUFF: That gets it.

3 MS. TRGOVCICH: -- standardized and full.

4 MR. FALASCO: Okay.

5 BOARD CHAIRMAN HUFF: That gets it.

6 That's already in?

7 MS. TRGOVCICH: That's already in.

8 MR. FALASCO: Thank you, Caren.

9 With that, we'll look at it real closely to make
10 sure that all these charges are -- all the wordsmithing
11 didn't work out perfectly, but as Mr. Sweetser said, we can
12 live with it.

13 BOARD CHAIRMAN HUFF: Great. Glad to hear it.

14 MR. FALASCO: Thank you very much.

15 BOARD CHAIRMAN HUFF: And Evan Edgar, who filled
16 out the absolute sloppiest request form I have ever seen.

17 BOARD VICE CHAIRMAN CHESBRO: Just being artistic.

18 BOARD CHAIRMAN HUFF: Poetic, he's taking poetic
19 license with our form. We already know of Mr. Edgar's
20 poetic capabilities.

21 MR. EDGAR: Today we get poetic justice.

22 Evan Edgar, California Refuse Removal Council, the
23 manager of technical services.

24 And I'm going to save my state of the compost
25 speech and not get too poetic and just focus on the issues

1 today.

2 It's been a long process since last November with
3 the Compost Advisory Panel. We had a lot of good work. In
4 Claremont we had a proposal by ag, which we considered. By
5 fall time we had a clean green proposal by Mr. Relis.

6 And what happened is last week we combined them
7 all. We took the very best of every one of them, put it
8 together with ag.

9 I believe that it addresses all the questions. I
10 believe that the process was good. Everybody was included.

11 I think the independent Board, as an independent
12 Board, did their job to have an access to industry and
13 environmental groups and local government to have their say.

14 So we support the process.

15 And we support the language inside the compost
16 regs.

17 I only have three issues we'd like to bring up.

18 First of all is the definition of ag commodities.
19 Inside of there you put silviculture. And I remember doing
20 some forestry design work and I believe silviculture is
21 forest products and not agriculture products. I will
22 recommend to remove silviculture from ag commodities.

23 Number two, BFI made some good points by ag
24 composting. We would support that change in language.

25 Number three would be the definition of clean

1 green. As clean green is defined in the current proposed
2 regulations we can support it.

3 I would have to enter a letter into the record by
4 Guadalupe Disposal. People recognize Guadalupe. They wrote
5 a letter on their behalf today. I'd like to enter into the
6 record.

7 Let's talk about clean green.

8 I've been up and down the state visiting all the
9 composting facilities, permitted and unpermitted. CRRC does
10 represent one-third of the permitted facilities.

11 I've had a lot of direct experience, not only in
12 the field, but on my road trips throughout California.

13 What I've seen from the self-haul waste is that it
14 is dirty. I think I testified many times before about going
15 through the yellow pages and reading what gardeners and
16 landscapers do. They clear lots, they haul rubbish in with
17 that green material.

18 What this clean green program does, the permit is
19 in the processing of making it clean, not the MRF of
20 separation which is solid waste, but you can have
21 source-separated material that is contaminated, it goes
22 through a permitted facility where the permit is in the
23 processing of making it clean green.

24 BOARD VICE CHAIRMAN CHESBRO: Clean green is
25 cleaner still on the far side of the hill, is that what a

1 you're saying?

2 MR. EDGAR: Happy acres.

3 BOARD VICE CHAIRMAN CHESBRO: Lucky acres.

4 BOARD CHAIRMAN HUFF: And if you can name the
5 group that sang the song.

6 BOARD VICE CHAIRMAN CHESBRO: Actually I stole
7 that from Jesse from a couple meetings ago. He just
8 whispered that in my ear.

9 BOARD CHAIRMAN HUFF: He can't name the group.

10 BOARD VICE CHAIRMAN CHESBRO: He's too embarrassed
11 to say.

12 MR. EDGAR: Going throughout the different
13 facilities in California, I've been to transfer stations and
14 MRFs and landfills and permitted compost facilities. We do
15 handpick the material, the contaminated material from the
16 source-separated green waste.

17 In fact, Guadalupe goes on to say here that in
18 1992 and '93 they did 40,000 tons of green material. By
19 1994-95 they are up to 50,000 tons. They had to discontinue
20 their yard waste program because it was too contaminated.

21 If Mr. Relis remembers, he did fund Guadalupe
22 landfill with Zanker and BFI on the demonstration project,
23 take mulch down to some farms.

24 The reason they discontinued that program because
25 the farmers thought it was too contaminated.

1 And in this letter here Jim Lord, who is a manager
2 of Guadalupe goes on to explain that.

3 From direct experience I have in the field and
4 from the people I represent in the compost industry, we
5 would have to argue with Mr. Dave Hardy. We get along on so
6 many issues, but he did testify on the fact it is different
7 at transfer stations and pick lines, but we do handpick at
8 transfer stations.

9 I would stick with the wording in the current
10 regulations as proposed today.

11 BOARD CHAIRMAN HUFF: So your suggestion is don't
12 do anything?

13 MR. EDGAR: Correct. As is is fine.

14 A big portion of this package is tiered
15 permitting. I believe that in 1995 and '96 it would be a
16 lot of programs what will get permitted.

17 There was a LEA advisory out on permitting and
18 enforcement of composting facility where the Waste Board
19 recommended to the LEAs to try to hit the moving target. As
20 the tiered permitting comes on line try to have a notice and
21 order to bring those facilities on line.

22 I believe the LEAs can do that now. They can do
23 their job because they have a static piece of regulation now
24 in place, which could be adopted on February 14th that we
25 can get these facilities permitted and that we have clean

1 green and clean compost for the ag markets.

2 CRRC is fully integrated with all aspects of solid
3 waste services. We have the hauler of source-separated
4 green material. We run the MRFs, the transfer stations, the
5 landfills, as well as the compost facilities.

6 We service 80 percent of the California
7 communities, so we know about the clean green programs and
8 achieving the 25 and 50 percent goals.

9 We're in a partnership with local government to
10 deliver those services.

11 What we have been trying to do for the last year
12 and a half is try to take ten million tons of urban green
13 waste and fit it into a compost component.

14 I believe that we have come a long way with this
15 tiered permitting composting regs. We can start getting
16 that diversion more and more.

17 At the same time we have all other types of clean
18 green out there that needs to have a market choice.

19 But I do believe that this compost regs will
20 deliver a market choice for the service providers who
21 collect green waste, take it from the curb, clean it up and
22 deliver it to agriculture.

23 So we support the market choice of this
24 represents.

25 With regards to flow control, I really don't see

1 this being a flow control item. I believe the Waste Board
2 has in statute the ability to permit facilities. By having
3 a permitted facility and having the Waste Board stand by
4 that permit doing your job per statute is not flow control.
5 It is cleaning up material to make a product in order to
6 deliver to market.

7 So I would take exception to the concept that the
8 clean green program is flow control.

9 With that I can answer any questions you may have.

10 And I do support the Waste Board staff. They have
11 been really good along the process, all the advisors.

12 I believe we have a good product that we can fully
13 support with those minor modifications.

14 Thank you.

15 BOARD CHAIRMAN HUFF: Any questions?

16 For your information the name of the group was the
17 New Christy Minstrels.

18 MR. EDGAR: Before my time.

19 BOARD VICE CHAIRMAN CHESBRO: No doubt.

20 BOARD CHAIRMAN HUFF: We weren't sure. We weren't
21 sure.

22 That concludes everyone who asked to speak.

23 Is there anyone who failed to fill out their
24 speaker request form?

25 Who is that?

1 MR. BEST: Rick Best with Californians Against
2 Waste. Apologize, Mr. Chairman. I seem to always be the
3 one that fails to get this slip in, but my apologies.

4 I just want to offer some brief comments in
5 regards to the composting regulations. I think it's the
6 process I'm pleased is coming to at least some fruition in
7 terms of having some regulations before the Board which are
8 certainly going to take a different tack on encouraging
9 green waste composting.

10 I want to offer some brief comments in regards to
11 the issue of clean. I think there's a gradation of clean in
12 terms of not all material that is collected at the curbside
13 should be defined as a dirty material and having to go
14 through a mixed -- through a permitted facility. I think
15 there should be some gradation.

16 Permitting is certainly a way to make sure that
17 it's clean.

18 And I think the structure the Board has
19 established is good, but I think there are also materials
20 that are collected through tree trimmers and other types of
21 collection programs where those types of problems don't
22 exist or at least there should be a recognition that there
23 can be load checking programs within the notification tier
24 to ensure that that material is clean.

25 So I would recommend that the Board take a look at

1 expanding exclusion for certain types of collection programs
2 such as tree trimmers so that they fall within the
3 notification tier.

4 Secondly, I simply wanted to raise the issue that
5 had been raised and in the December meeting of how this
6 relates to ultimately the other aspects of the tiered
7 permitting structure.

8 And I think composting is a different situation in
9 the sense of the Board's been given a clear direction that
10 composting facilities are solid waste facilities. I don't
11 think that the issues that relate to composting necessarily
12 apply to the other materials and I think those will have to
13 be considered on their own merits when the Board proceeds
14 with the tiered permitting regulations.

15 With that I conclude my comments.

16 BOARD CHAIRMAN HUFF: Any questions?

17 BOARD VICE CHAIRMAN CHESBRO: We had the
18 discussion about what degree of precedent for future
19 activities these regs hold and I stated previously that as
20 far as one Board member is concerned that this issue, that's
21 a future issue and another set of issues and I hope that
22 it's the Board's intent to examine the other facilities on
23 their own merits and issues related to other kinds of
24 recycling efforts on their own merits.

25 BOARD CHAIRMAN HUFF: I think the response is that

1 we have a working group that is looking at the methodology
2 and the general sense as I reported in my committee report.

3 I think that the only precedence established by
4 this set of regulations are good ones. That is relative to
5 the process and relative to establishing a level playing
6 field, if I can use that phrase, relative to who can
7 compost, that we've decided with this package that who isn't
8 the important question, it's what.

9 And those senses I think that we can look at these
10 regulations and say that there are two sort of general
11 applicable precedents that are established that are good.

12 BOARD VICE CHAIRMAN CHESBRO: I agree with that,
13 absolutely.

14 We can only hope that all of the interested and
15 affected parties can put the kind of constructive energy
16 into getting us to this point with the rest of the tiered
17 permitting as we have had happen.

18 BOARD CHAIRMAN HUFF: I hope so, because people
19 have been forthcoming. People have shared their input and
20 their ideas without holding back, without being concerned to
21 the consequence, and this has developed into a very healthy
22 process and I hope that we can keep that going for the other
23 material types.

24 BOARD VICE CHAIRMAN CHESBRO: My precedent
25 comments were specific to the specifics. You know, the idea

1 that we're not setting specific precedents.

2 BOARD MEMBER HEIDIG: Mr. Chairman.

3 BOARD CHAIRMAN HUFF: Yes, Mr. Heidig.

4 BOARD MEMBER HEIDIG: I'm not big on redundancy,
5 as you know, but some things I think bear repeating.

6 I think you and I started this in Claremont and we
7 pledged to finish it in an open, informed and in your style
8 informal way. And it's been a long and winding road, but I
9 think we kept the faith.

10 And I want to thank staff for their
11 professionalism. Truly value added.

12 I want to thank the third house for their
13 persistence, patience and persuasion.

14 And especially my colleagues, particularly those
15 on the P and E Committee.

16 I think that the product that we hoped to adopt
17 today is the result of their good fruit and our efforts.

18 I personally want to thank you for your leadership
19 on this issue.

20 BOARD CHAIRMAN HUFF: Thank you. Thank you,
21 Mr. Heidig.

22 Any other comment, questions?

23 Mr. Relis.

24 BOARD MEMBER RELIS: I propose to -- or am
25 prepared to make a motion on this.

1 I would like to first ask procedurally, in Permits
2 Committee we took up -- we broke the item into two, but I
3 would suggest that we recombine them for purposes of this
4 vote.

5 I want to say that in further reflection and
6 discussion with staff on the biosolids issue where I had not
7 previously supported the 10,000 break, I can do that now. I
8 feel that staff has clarified that sufficiently that the
9 oversight and the enforcement are clearly one and the same
10 in that category. So I'm happy to that to make that change.

11 I would just ask for one small, but I think it's
12 been heard here, amendment to the proposal before us,
13 regarding the tree and landscape trimming materials that we
14 revert or establish something like that have never been
15 combined with other waste materials.

16 I mean, I believe that will answer the question if
17 there are contaminated materials going someplace that we'll
18 give the LEA instruction to crack down on such a facility.

19 But I do think it risks micromanagement there.

20 So with that what I consider minor modification --

21 BOARD CHAIRMAN HUFF: Do you have some specific
22 language for --

23 BOARD MEMBER RELIS: Well, I would simply read
24 under a definition --

25 BOARD CHAIRMAN HUFF: This is the addendum sheet;

1 right?

2 BOARD MEMBER RELIS: Yes.

3 That would be the last sentence under K, page
4 four, tree and landscape trimming materials that are chipped
5 at the -- and have never been combined with other waste
6 materials. Period. Never means never.

7 BOARD CHAIRMAN HUFF: See the piece of paper
8 you're working off of.

9 That's a definition of clean green paragraph.

10 MS. TRGOVCICH: Mr. Chair, would you like me to
11 read what as I understand what Mr. Relis is saying what --

12 BOARD CHAIRMAN HUFF: Yes.

13 MS. TRGOVCICH: That sentence would then read tree
14 and landscape trimmings that have never been combined with
15 other waste materials are considered clean green materials.

16 BOARD CHAIRMAN HUFF: Okay. Is everyone okay with
17 that?

18 BOARD VICE CHAIRMAN CHESBRO: Sure.

19 MS. TRGOVCICH: Can staff ask a clarification?

20 That means that would eliminate the chipping --

21 BOARD CHAIRMAN HUFF: This says that that material
22 doesn't have to be chipped, which is what Dave Hardy said,
23 but it says that it can't be mixed with anything.

24 BOARD MEMBER RELIS: Yeah.

25 BOARD CHAIRMAN HUFF: Yeah. Okay. I'm going very

1 slowly here, because I want to make sure that everyone
2 understands it. And if anyone has a problem with it I won't
3 require a speaker request slip.

4 MR. PERRY: It doesn't?

5 BOARD CHAIRMAN HUFF: Where did you get that tie?

6 MR. PERRY: Actually it was a birthday gift
7 yesterday and I had to wear it today.

8 BOARD CHAIRMAN HUFF: Happy birthday.

9 MR. PERRY: Happy birthday to all of you.

10 Richard Perry, CRRC.

11 Mr. Chairman and members of the Board, the one
12 provision that I'm a little concerned about is the carte
13 blanche that these people have, landscapers have, that pull
14 chippers and stuff like that behind them.

15 If they come into your place of business or your
16 home to cut down a tree they were considered to be clean
17 green as they pull that away.

18 However, most of us call these folks out to cut
19 down sick trees, and there's still the issue of pathogens.

20 I'm not trying to throw any gum in the works,
21 because Evan has worked so diligently to get us to this
22 point.

23 But we have always said there is a chance out
24 there of Dutch elm and a host of other pathogens that are
25 found inside that feedstock.

1 The fact that they are eliminated from these regs,
2 they come to my house, they cut my tree, they put it in the
3 grinder, they can go directly out and that's termed clean
4 green. I'm not sure it is.

5 And that's the conversation that Evan and I were
6 having.

7 He's made this over and over and we're to this
8 point. It still is something that we're aware of and
9 concerned of.

10 BOARD CHAIRMAN HUFF: I understand.

11 But whether they chip it or not, I mean,
12 originally the regs that are in front of us now require them
13 to chip it, but that isn't going to kill fire blight or
14 Dutch elm either.

15 MR. PERRY: Chipping isn't, certainly not.

16 We've tried to be a positive player in this and we
17 are at a loss to --

18 BOARD CHAIRMAN HUFF: You have been.

19 MR. PERRY: Evan certainly has been. I'll give
20 him full credit.

21 What we are just concerned about still is the
22 marketplace. The marketplace can be fragile.

23 If it's going to be clean green and we're coming
24 up with definition now of clean green and we're coming up
25 with standards of what clean green are, I think it's an

1 issue that still needs to be revisited. And I'm sorry.

2 BOARD CHAIRMAN HUFF: Tree and landscape trimming
3 materials are chipped at the point of generation are
4 considered clean materials is what came out of committee.

5 MR. PERRY: Correct.

6 BOARD CHAIRMAN HUFF: Mr. Relis would rewrite that
7 to say tree and landscape trimming materials that have never
8 been combined with other waste materials are considered
9 clean green materials.

10 BOARD MEMBER RELIS: This is neutral on pathogen.

11 BOARD CHAIRMAN HUFF: So pathogen neutral. One
12 could argue that it spells out that the chap with the
13 chipper cannot combine it with -- I mean it's --

14 MR. PERRY: That's not going to the marketplace?

15 BOARD CHAIRMAN HUFF: No. What I'm saying is
16 given what we have, okay, given what we have one could argue
17 that someone, one of those tree trimmers with a chipper,
18 could nonetheless get some other waste material going
19 through that chipper and we would still be calling it clean
20 green the way it was written.

21 MS. TRGOVCICH: Correct.

22 If I can point out as well that this is just a
23 feedstock for compost so if clean green is used as a
24 feedstock in a compost operation or facility it would still
25 be subject to PFRP, the process to further reduce pathogens,

1 that any other composting operation or facility would have
2 to comply with.

3 MR. PERRY: I'm trying to, like I said, start with
4 keep this in the spirit of my urban poet over here.

5 I guess we will see how it fleshes out. We do
6 have concerns to that. I mean, we're very concerned about
7 the marketplace and keeping it a good product out there so
8 we can expand the marketplace.

9 But I've been watching the chippers up and down my
10 street and I've been asking the folks on my street why they
11 have been taking down these lovely trees and I'm finding
12 that we have Dutch elm being spread.

13 So I know the process and how it's being utilized
14 now.

15 BOARD CHAIRMAN HUFF: Okay. Okay. I think it is
16 correct to argue, as I suggested here, that by specifically
17 saying that other waste materials can't go through that
18 chipper that actually this might help make it cleaner, more
19 stringent. Okay.

20 BOARD MEMBER HEIDIG: Mr. Chairman, in the
21 Claremont proposal we had pathogen testing at the --

22 BOARD CHAIRMAN HUFF: And that's still in.

23 BOARD MEMBER HEIDIG: That's still in. And that
24 was from the testimony on the public hearing?

25 BOARD CHAIRMAN HUFF: Yes.

1 BOARD MEMBER HEIDIG: Which we adopted.

2 BOARD CHAIRMAN HUFF: Yes.

3 MS. TRGOVCICH: Mr. Chair, the discussion at the
4 meeting last week and the letter that we received with the
5 proposal, it excluded pathogen testing for this type of
6 composting. Metal, testing for metal concentration limits
7 is included, but not pathogen.

8 BOARD CHAIRMAN HUFF: I stand corrected.

9 BOARD MEMBER RELIS: It will go through the
10 composting process, which would --

11 MS. TRGOVCICH: The purpose of the composting
12 process is --

13 BOARD CHAIRMAN HUFF: To kill --

14 MS. TRGOVCICH: -- to reduce. Yes.

15 BOARD MEMBER RELIS: Mr. Chair.

16 BOARD CHAIRMAN HUFF: Yes, Mr. Relis.

17 BOARD MEMBER RELIS: I will move the motion as
18 presented.

19 BOARD CHAIRMAN HUFF: Okay. Be clear. Then these
20 have not yet gone out for the 15-day notice after the action
21 and Permit Committee?

22 MS. TRGOVCICH: Correct.

23 BOARD CHAIRMAN HUFF: What this represents is --
24 Permit Committee's motion was to send them out to 15-day
25 notice. Okay.

1 An appropriate motion today would be to send them
2 out to 15-day notice and make further changes and those
3 further charges, as I caught them, were the phrase
4 "agricultural material," the inspection in the notification
5 tier, the Class B requirement applies to the registration
6 tier, and the chipper language which Mr. Relis just read.

7 MS. TRGOVCICH: And there was also an issue with
8 respect to silviculture being included in the definition of
9 agriculture.

10 BOARD CHAIRMAN HUFF: I don't understand that.

11 MS. TRGOVCICH: We included -- what we did in the
12 last several weeks was we went to the Food and Ag Code to
13 make sure that our definition was consistent and there's a
14 variety of definitions and both silviculture and aquaculture
15 are included and that's why you see them underlined.

16 But that certainly wouldn't say that we could
17 eliminate one of those practices from our definition. It
18 was just an attempt to make it consistent with definitions
19 in the Food and Ag Code.

20 BOARD VICE CHAIRMAN CHESBRO: Does it have
21 implications for broadening the scope of this thing? I
22 mean --

23 MS. TRGOVCICH: Our thought --

24 BOARD VICE CHAIRMAN CHESBRO: Beyond what we had
25 been all assuming what we were talking about?

1 MS. TRGOVCICH: Our thought was that depending
2 upon the definition of agricultural could be --

3 BOARD CHAIRMAN HUFF: We did get a letter. We did
4 get a letter suggesting that silviculture should be.

5 MS. TRGOVCICH: Yes. And that's why we went and
6 then went through the Food and Ag Code.

7 BOARD CHAIRMAN HUFF: And I'm trying to remember
8 the basis of that letter. I remember we got a letter from
9 someone out there who said your definition of agriculture is
10 incomplete because silviculture is agriculture.

11 And I don't know why they sent us that letter.

12 BOARD VICE CHAIRMAN CHESBRO: We have been through
13 this elongated process where we've had various elements of
14 agriculture before us talking about the impacts on them,
15 what they'd like to see.

16 I think if we were to just for the sake of
17 consistency throw forestry activities in without having had
18 the forestry industry before us to talk about the effect on
19 them.

20 BOARD CHAIRMAN HUFF: This is an exclusion.

21 BOARD VICE CHAIRMAN CHESBRO: It is. I'm sorry.

22 BOARD CHAIRMAN HUFF: We're trying to make sure
23 that we don't draw anyone in.

24 BOARD VICE CHAIRMAN CHESBRO: Then I
25 misunderstood.

1 BOARD MEMBER RELIS: We're narrowing.

2 BOARD VICE CHAIRMAN CHESBRO: In that case it
3 makes sense. My point being that I don't think we should be
4 reaching out and drawing --

5 BOARD CHAIRMAN HUFF: I don't either. I agree
6 with you.

7 But like I said there was a letter, it said that
8 they have silviculture practices and they have never been in
9 this room. I don't know why we should draw them in.

10 I don't know if we make that change whether that
11 has the effect of drawing them in or not.

12 MS. TRGOVCICH: It would potentially, this
13 definition is used both in the exclusion tier when you are
14 using only agricultural materials and you are not selling or
15 giving away above the 2500 cubic yard incidental limit.

16 And it is also used in the notification tier when
17 you are composting agricultural materials and selling or
18 giving away greater than the 2500 cubic yards or
19 incorporating it or combining it with clean green.

20 So it is used in the notification tier as well.

21 BOARD CHAIRMAN HUFF: Now, silviculture is a tree
22 farm?

23 MS. TRGOVCICH: Yes. It's my assumption that the
24 products that could come out and then be used as a feedstock
25 would include wood chips, sawdust and related products.

1 BOARD VICE CHAIRMAN CHESBRO: Forest products
2 industry produces a number of soil amendment products as
3 byproducts of their industry.

4 BOARD CHAIRMAN HUFF: I don't want to venture into
5 it without having them here.

6 BOARD VICE CHAIRMAN CHESBRO: Yeah.

7 BOARD CHAIRMAN HUFF: I think we don't make the
8 change in the regulations as they are in print today.

9 BOARD VICE CHAIRMAN CHESBRO: If a problem arises
10 we can revisit.

11 BOARD CHAIRMAN HUFF: That's right. If there is a
12 problem.

13 Okay. So the appropriate motion then --

14 BOARD MEMBER RELIS: Is for the 15-day -- that
15 with the changes so noted --

16 BOARD CHAIRMAN HUFF: Ag material, inspections in
17 the notification, Class B in the registration, chippers.

18 BOARD MEMBER RELIS: This would go out for the
19 15-day notification, I guess effective tomorrow and get it
20 out.

21 BOARD CHAIRMAN HUFF: Yep. Have all kinds of
22 people out there nodding their heads yes.

23 That's the motion.

24 BOARD MEMBER RELIS: That's the motion.

25 BOARD CHAIRMAN HUFF: Roll call.

1 BOARD SECRETARY KELLY: Board Member Chesbro.
2 BOARD VICE CHAIRMAN CHESBRO: Aye.
3 BOARD SECRETARY KELLY: Egigian.
4 BOARD MEMBER EGIGIAN: Aye.
5 BOARD SECRETARY KELLY: Heidig.
6 BOARD MEMBER HEIDIG: Aye.
7 BOARD SECRETARY KELLY: Relis.
8 BOARD MEMBER RELIS: Aye.
9 BOARD SECRETARY KELLY: Chairman Huff.
10 BOARD CHAIRMAN HUFF: Aye.
11 Motion carries, 5-0.
12 BOARD VICE CHAIRMAN CHESBRO: Quite an
13 accomplishment, Mr. Chairman.
14 BOARD CHAIRMAN HUFF: Thank you all.
15 BOARD MEMBER RELIS: We deserve a lunch break.
16 BOARD CHAIRMAN HUFF: Lunch break.
17 (Thereupon the lunch recess was taken.)
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A F T E R N O O N S E S S I O N

BOARD CHAIRMAN HUFF: We're back, and we're ready to go on Item 10.

MS. FRIEDMAN: Good afternoon, Chairman Huff and Board members.

Agenda Item 10 is consideration of the Board's alternative daily cover, or ADC, policy pertaining to achieving diversion mandates in light of changes in the biomass industry.

As you know, the Board adopted an ADC policy at its December 1993 meeting.

Since then changes have occurred in the biomass industry due to power purchase contract provisions and proposed actions of the Public Utilities Commission.

Waste industry, biomass, industry and material processors have testified that materials which would have gone to biomass plants are now going to landfills.

Several parties have requested that the Board reconsider the cap on the use of ADC for diversion credit.

In addition, the Office of Administrative Law in its review of the disposal reporting regulations struck the provisions of the regulations which concerned the Board's December 1993 policy.

The Local Assistance and Planning Committee considered this item at its monthly meeting on Jan 11, 1995.

1 The committee directed staff to gather and analyze
2 additional information on amending the disposal reporting
3 regulations and other options.

4 BOARD CHAIRMAN HUFF: You're going to have to
5 shout.

6 MS. FRIEDMAN: Thank you.

7 And other options -- is that better?

8 BOARD CHAIRMAN HUFF: Yeah.

9 MS. FRIEDMAN: I was getting feedback.

10 Other options regarding ADC and presented to the
11 Board.

12 Lorraine Van Kekerix of the Waste Characterization
13 and Analysis Branch will now start the staff presentation.

14 MS. VAN KEKERIX: Good afternoon, Board members.
15 Can you hear me?

16 BOARD CHAIRMAN HUFF: You're going to have to be a
17 little louder than that. These microphones, I don't know
18 what's going on, because this morning people had to shout
19 and I was told that they were on full volume. Now I can
20 hear the feedback. I can hear it right now. And yet it's
21 not picking up your voice. I don't understand it. The
22 microphone gods are angry.

23 BOARD MEMBER RELIS: Climate change.

24 BOARD CHAIRMAN HUFF: Climate change.

25 MS. VAN KEKERIX: I thought it was the topic.

1 BOARD VICE CHAIRMAN CHESBRO: You mean the
2 microphone gods are tired of hearing about ADC?

3 MS. VAN KEKERIX: Okay. At the January 11th,
4 1995, Local Assistance and Planning Committee meeting staff
5 was asked to gather additional information, analyze it and
6 bring this information to the Board today.

7 The Planning Committee moved that staff provide
8 information specified as follows.

9 Clarification of the Office of Administrative
10 Law's opinion which disapproved the two subsections of the
11 disposal reporting regulations related to how ADC is
12 counted.

13 An analysis of the California Refuse Removal
14 Council's functional use proposal.

15 And the potential for developing landfill based
16 criteria which addressed soil displacement, that is six
17 inches, minimum of six inches of soil versus six to 18
18 inches of green waste alternative daily cover.

19 Controls on use of ADC.

20 Some real world and maximum green waste ADC use
21 projections.

22 The impact of Local Enforcement Agency Advisory
23 No. 19 regarding use of green waste as ADC and whether other
24 criteria might be appropriate.

25 And to identify Public Resource Code sections

1 which would need to be modified if such criteria became a
2 legislative concept.

3 A group of staff have been working on this. Staff
4 from the Permitting and Enforcement Division and the Legal
5 Office, along with Diversion, Planning and Local Assistance
6 Division staff.

7 And we will be presenting the information to you
8 today.

9 One of the things that I would like to do before
10 we get started is there is a change on Attachment 2-A
11 towards the back of the package of additional material,
12 which was supplied to you. And there were approximately 40
13 copies on the back table this morning.

14 Okay. In conversations with Janet Coke from the
15 LA County Sanitation District the number that she supplied
16 in Table 4 needs to be corrected.

17 This is row 23, column C-20 in Table 4.

18 And the number that is here is two million, but
19 the number should actually be three million.

20 And that's the weight of soil potentially replaced
21 by the ADC.

22 So with that one correction we'll move on with our
23 staff presentation.

24 Elliot Block will go first and will explain the
25 clarification provided by the Office of Administrative Law.

1 MR. BLOCK: Good afternoon.

2 Subsequent to the committee meeting two weeks ago
3 I met with reviewing attorney at OAL just to clarify what
4 they were saying in their opinion and what could or could
5 not be done in terms of coming back with this packet in the
6 future.

7 And I confirmed the initial information that I had
8 had prior to their formal written opinion, which was that
9 OAL's interpretation of our statutory provisions would
10 require the Board to characterize ADC as either disposal or
11 diversion. We have to make the call that it's one or the
12 other.

13 OAL has also though explicitly stated that they
14 would defer to the Board's decision in that regard. So
15 whichever way the Board went because of the nature of this
16 material they would defer to the Board on that.

17 In addition I also confirmed that if the direction
18 that the Board chose to go was to count -- or to
19 characterize, excuse me, ADC as diversion the Board would
20 still be able to place some limits on ADC so that only ADC
21 that was actually necessary for use would be classified as
22 diversion.

23 That was all I was going to do at this point while
24 the rest of the presentation went on, but I can answer
25 particular questions about legal issues if there are any.

1 BOARD CHAIRMAN HUFF: Yes. I have one.

2 I don't know if anyone else does.

3 And I'll go ahead.

4 OAL understands and recognizes, do they not, that
5 ADC and its use at a landfill is the result of a regulatory
6 process, it's not really part of these regulations; do they?

7 MR. BLOCK: That's correct.

8 BOARD CHAIRMAN HUFF: And they don't question
9 that; do they?

10 MR. BLOCK: If I'm understanding the question, no,
11 they're not questioning that.

12 BOARD CHAIRMAN HUFF: In other words we do have
13 the authority and LEAs have the authority in a permit to say
14 you can use ADC up to a certain amount, you can only use
15 certain substances as ADC. When you -- we have -- there's a
16 list of 13 conditions or so in our LEA advisory.

17 That's not in question; is it?

18 MR. BLOCK: The Board's authority on a
19 case-by-case basis to make those restrictions is not under
20 question, although in the rulemaking packet there was a
21 reference to the guidelines on approval of ADC and that did
22 raise a question in our mind. Of course, that's what we're
23 going to be taking care of by putting those into
24 regulations.

25 They didn't question our authority to do that.

1 BOARD CHAIRMAN HUFF: In that sense ADC is really
2 almost a case-by-case circumstance?

3 MR. BLOCK: That's correct.

4 BOARD CHAIRMAN HUFF: Okay. I couldn't think of
5 where to follow that any further, so I left it at that.

6 BOARD VICE CHAIRMAN CHESBRO: So I understand what
7 you've said is that they have said that we have had
8 authority to count it as disposal, the authority to count it
9 as diversion, and in terms of that counting as diversion
10 determine what is in fact actually diversion, but not the
11 ability to call it both?

12 MR. BLOCK: Right. The way I would characterize
13 the distinction is one's a policy issue versus a sort of
14 technical issue.

15 The technical limits we have the authority to do
16 because we're -- that's of what we do.

17 The issue that they have raised is as policy
18 matter sort of being able to set some sort of what we did in
19 the regulations, which was set a percentage based on some
20 policies.

21 BOARD CHAIRMAN HUFF: Yeah. That goes further.

22 The law says that each individual community shall
23 have a plan and shall implement it relative to reducing
24 their waste stream by 25 and 50.

25 And what's OAL is saying, as I understand it, is

1 that when we get to that issue and how their individual
2 plans reach 25 and 50, we don't have the authority to
3 partially count something.

4 That's what I understand OAL to say; correct?

5 MR. BLOCK: That's correct.

6 BOARD CHAIRMAN HUFF: On the other hand, the law
7 is rather expansive as to what our landfill public health
8 and safety environmental protection authority is as long as
9 we don't overlap some other piece of government, like the
10 Water Board, we decide what is public health and safety at
11 landfills.

12 MR. BLOCK: That's correct.

13 BOARD CHAIRMAN HUFF: So landfill management
14 practices at the landfill site, we have pretty broad,
15 sweeping authority?

16 MR. BLOCK: Yes.

17 BOARD CHAIRMAN HUFF: It's when we try to
18 translate. It's the linkage question.

19 I've said this before and I'll say it again, AB
20 939 I think works best most simply, at least, were the
21 environment to be that every community had its own landfill,
22 its own transfer station. Then we wouldn't have these
23 questions of whose waste is whose in the landfill and how is
24 it counted and this sort of thing.

25 That isn't how the real world is operating or how

1 it's likely to operate in the future and so that creates for
2 us the linkage question, is what I call it. How to link
3 what's going in the landfill with local communities and
4 their plans.

5 And basically I think that at least with regard to
6 ADC the answer is you can't.

7 But we still have authority over it in a landfill.

8 BOARD MEMBER RELIS: Mr. Chair, just a question of
9 counsel.

10 I don't recall, at least in my term on the Board,
11 that OAL has ever made any ruling where it came back to us
12 in the way that this matter has come back.

13 Am I correct on that?

14 BOARD CHAIRMAN HUFF: My recollection is --

15 MR. BLOCK: There are actually probably on the
16 average of one or two disapproval decisions a month that OAL
17 does in general for state agencies.

18 We have had, not when it's been an issue of this
19 nature, a couple of instances where on some minor points
20 something like this has happen, but it's been easily
21 fixable, if you will, and it was taken care without the
22 need -- we resolved their issues, because it wasn't a policy
23 issue that was left, but they had some technical problems.

24 This is the first one of this nature, though,
25 yeah.

1 BOARD MEMBER RELIS: Is it, because in the course
2 of our work we're always dealing with numbers and
3 approximations in some case and others, and I just -- it
4 still, I guess it sort of galls me that we're having to deal
5 with this.

6 MR. BLOCK: And I won't disagree with that.

7 Let me just to add onto that, and that's one of
8 the reasons I ended up going back to the Office of
9 Administrative Law to clarify some of this, although a lot
10 of discussion is in the context of setting numbers.

11 For them the real issue was what they see as a
12 legal issue, which is we've got to pick one or the other, if
13 you will.

14 And so that's sort of the -- setting a number
15 issue is still there, but it really becomes much more
16 important because of what --

17 BOARD MEMBER RELIS: I just observed it shows no
18 understanding of the framework that we really -- the real
19 world that we work in. And I mean it's pick or not pick. I
20 think it's kind of absurd.

21 BOARD CHAIRMAN HUFF: I have Mr. Chesbro and then
22 I have Mr. Heidig.

23 BOARD VICE CHAIRMAN CHESBRO: I too am very -- I
24 take great umbrage at OAL's sitting behind closed doors
25 essentially in a private process and not having to deal with

1 the complex issues.

2 And I think the legitimate arguments on different
3 sides of an issue they don't have to deal with the reality
4 of compromise in order to keep a program moving forward.
5 They make a decision arbitrarily behind closed doors and who
6 are they accountable to?

7 And I find it great frustration at that.

8 We had a compromise in place that, while nobody
9 loved it and it didn't satisfy either side of the argument,
10 it was an attempt to respond, by this Board, to respond to
11 both sides of the argument and acknowledge that local
12 government had a legitimate need and at the same time there
13 was a potential for a problem if ADC were used in excess.

14 You know, we can and probably will continue to
15 argue about what, where that dividing line should be. And,
16 you know, and I think there continued to be debates whether
17 OAL had reopened this or not about whether seven percent was
18 the right number.

19 But I do think we made a legitimate compromise and
20 I think that OAL took an essentially very narrow,
21 out-of-touch legalistic approach, which doesn't deal with
22 the real policy problems which we face.

23 BOARD CHAIRMAN HUFF: Mr. Heidig.

24 BOARD MEMBER HEIDIG: Just real quickly.

25 Elliot, when OAL said that you can't have it both

1 ways, they're basically saying, to follow up with on Jesse's
2 point, that there has to be a linkage or nexus between the
3 result of regulation and the definition; is that correct?

4 MR. BLOCK: If I'm understanding you correctly,
5 yes.

6 BOARD MEMBER HEIDIG: It's hard to get two lawyers
7 to agree with each other.

8 BOARD MEMBER EGIGIAN: Mr. Chairman.

9 BOARD CHAIRMAN HUFF: Yes, Mr. Egigian.

10 BOARD MEMBER EGIGIAN: I don't feel as bad about
11 this as Mr. Chesbro and my good friend Mr. Relis do.

12 At the origination of this whole subject I thought
13 we were micromanaging by getting involved in setting numbers
14 and getting to the point where we start negotiating back and
15 forth with what the real situation was as opposed to what
16 certain people wanted it to be.

17 If we go back to 939, and I've read it a number of
18 times, it doesn't tell us to micromanage and this is what
19 we've done on the seven percent.

20 I feel that it's a good thing that it did go to
21 this agency that told us that basically we were not doing
22 the right thing.

23 And I go along with it's either right or wrong and
24 it can't be any gray areas and to be correct.

25 So I don't feel that bad about this. I think that

1 the outcome of this will be a great asset to many many many
2 cities represented in letters that I've received telling me
3 that we don't need limits.

4 So that with that I'll pass it back to the Chair.

5 BOARD CHAIRMAN HUFF: Okay. So are there any
6 questions of staff?

7 Legal?

8 Okay. Lorraine, go ahead.

9 MS. VAN KEKERIX: Do you want us to continue with
10 the presentation?

11 BOARD CHAIRMAN HUFF: Yeah. We've cleared the
12 legal hurdles.

13 MS. VAN KEKERIX: The next section in the material
14 we put together for you is entitled analysis of CRRC's
15 functional use proposal.

16 Because the questions which follow are also part
17 of the analysis, this is just a couple of short paragraphs
18 here, but the remaining questions in the document address
19 the CRRC proposal as well.

20 The CRRC has proposed that all ADC use is
21 diversion and the ADC use is limited and monitored by LEA
22 Advisory No. 19, which contains demonstration project
23 criteria for use of green waste as ADC.

24 Under this functional use proposal not all green
25 waste which is delivered to a landfill is automatically

1 determined to be ADC. Only that portion of the green waste
2 delivered to landfill which is used as specified in the
3 criteria in Advisory No. 19 is determined to function as
4 ADC.

5 The information provided by CRRC shows that a cap
6 of 9 to 12 percent of the waste disposed per month could be
7 placed on each landfill as existing demonstration projects
8 have shown that this amount of green waste is used as the
9 functional equivalent to the soil.

10 Under the functional use proposal there would be
11 no cap on jurisdiction use of ADC to achieve the 25 and 50
12 percent diversion goals.

13 And CRRC recommends the disposal reduction be
14 allowed for ADC at the initiation of the conditionally
15 approved demonstration project.

16 Staff reviewed the information supplied by CRRC
17 and concurs that the landfills which have used green waste
18 ADC have used between 9 and 12 percent of the waste
19 disposed.

20 Staff is concerned about the CRRC recommendation
21 that disposal reduction be allowed for ADC at the initiation
22 of a demonstration project.

23 If that demonstration project fails then the
24 material used as ADC did not function as soil and therefore
25 staff believes should not be included as disposal reduction.

1 The recently approved disposal reporting
2 regulation definition of ADC, which was in the part of the
3 package which OAL did not question, defines ADC for counting
4 purposes as ADC which is approved by the Board and a
5 condition of the solid waste facilities permit.

6 We had no request to modify this definition during
7 any of the public comment periods on those draft regs, and
8 that's since about last summer.

9 The Board may be able to modify this section of
10 the regulations at the time regulations are revised to deal
11 with how to count ADC.

12 And I'll turn the microphone over to Charlene
13 Herbst with the Permitting and Enforcement Division to
14 address some of the other committee questions.

15 MS. HERBST: Two other questions came up in the
16 course of the committee meeting that we were asked to look
17 at.

18 And one of the questions had to do with how the
19 current upper limit of 18 inches for ADC material would
20 compare relative to consuming landfill volume with the six
21 inches of earthen daily cover that's currently required as a
22 norm.

23 The 18-inch number was picked as the technical
24 upper limit due to the difficulties of placing and spreading
25 ADC at larger -- at thicker amounts.

1 On the face of it you could say that if you wanted
2 an exactly correlative limit on the placement of green waste
3 ADC you would go with six inches of compacted green waste
4 ADC in the same way that you specify six inches of compacted
5 earthen material for daily cover.

6 However, compaction as a term doesn't mean much
7 and it's harder to compact some kinds of green waste ADC
8 than it would be to compact earthen material.

9 Unless a density is specified, compaction really
10 has no scientific basis.

11 And the second point is once green waste ADC is
12 placed in a landfill and additional waste is placed on top
13 of it there will be further compression of that green waste
14 layer and decomposition of the green waste layer, neither of
15 which you would really see to any great extent with an
16 earthen daily cover.

17 So the thicker -- on the face of it, the thicker
18 amount of ADC might seem like it's consuming landfill space,
19 but in the long term probably it wouldn't consume much more
20 volume than the six-inch earthen material specification in
21 the regulations.

22 The second question that staff was asked to take a
23 look at had to do with controls appropriate to green waste
24 materials used as ADC.

25 And the Advisory No. 19 that's been discussed so

1 much has been out for a while now and staff has found that
2 it is the criteria within it has functioned fairly well and
3 at this point we don't see any need for additional criteria
4 to adequately control green waste used as ADC.

5 Those were the questions that we addressed.

6 BOARD CHAIRMAN HUFF: Question, Mr. Relis?

7 BOARD MEMBER RELIS: I don't want to get into an
8 elaborate discussion of this, but I did receive one
9 correspondence, I think it was from the National Recycling
10 Coalition, and then it was perhaps a excerpt from an article
11 from Mr. Newland, who raised the question of increased
12 methane from the way ADC is lined.

13 Did you give that any consideration?

14 MS. HERBST: We have looked into this briefly.

15 I'd like to ask Scott Walker to address that, of
16 my staff.

17 MR. WALKER: Scott Walker, Closure and Remediation
18 Branch.

19 At this point in terms of the existing ADC, green
20 material ADC projects, we have not seen any significant
21 changes in methane generation from the landfills using.

22 Furthermore, a couple other aspects are that in
23 most cases the green material had already been discharged to
24 the landfill co-disposed, so use as ADC would not make any
25 difference on the overall makeup of that component in the

1 waste.

2 In addition, most of the material going into the
3 landfill, other than the green waste, there's a lot of
4 organic material that would in and of itself be sufficient
5 to generate gas as we currently see developed from
6 landfills.

7 BOARD MEMBER RELIS: Okay. Thank you.

8 BOARD CHAIRMAN HUFF: Any other questions?

9 MS. HERBST: Mr. Chairman, may I add one further
10 thing to my discussion?

11 Questions came up about other waste materials
12 other than green waste ADC, other than green waste that are
13 used as ADC, and whether we had some kind of limit, upper
14 limit, on the maximum thickness that we would propose for
15 those kinds of materials, and there have been relatively few
16 demonstration projects that have been conducted for
17 materials other than blankets and green waste ADC.

18 So at this point we would not be prepared to
19 propose any kind of a numerical criteria, you know, a
20 technically supported numerical criteria for those kinds of
21 materials.

22 BOARD VICE CHAIRMAN CHESBRO: Can I ask Scott some
23 more questions?

24 BOARD CHAIRMAN HUFF: Yes.

25 BOARD VICE CHAIRMAN CHESBRO: You said at this

1 time that pilot projects have not shown additional methane
2 generation.

3 Would that be expected to be a permanent thing or
4 over time? You know, the pilot projects have been underway
5 for a relatively short time and I'm just curios^u_A whether you
6 have an observation about that.

7 MR. WALKER: At this point the best track record
8 would be the Los Angeles Sanitation District sites which
9 have been using it for several years now.

10 And we haven't seen any changes that we can
11 attribute to the green material at this point, and we
12 wouldn't expect to see any further changes in the future,
13 but we would continue to evaluate and obviously track the
14 methane generation at those sites.

15 BOARD VICE CHAIRMAN CHESBRO: Mr. Newland's
16 letters that I've reviewed I think make, try to attempt to
17 make a distinction between material that's segregated from
18 the rest of the waste stream and placed in the landfill
19 essentially, you know, when it's alternative cover in
20 isolation to the rest of the waste or it's own -- would that
21 make any difference in methane generation in your opinion?

22 MR. WALKER: In my opinion I wouldn't expect that
23 it would.

24 I might also add that as we bring the minimum
25 standards for alternative cover materials to the Board for

1 consideration with AB 1220 I think we're going to be
2 obviously looking into the technical issues of ADC further
3 and open up the argument for additional discussion and
4 consideration.

5 And we would also be gathering some additional
6 technical information.

7 But at this point we wouldn't expect to see any
8 significant changes.

9 BOARD MEMBER EGIGIAN: Mr. Chairman.

10 BOARD CHAIRMAN HUFF: Yes, Mr. Egigian.

11 BOARD MEMBER EGIGIAN: We're doing some talking
12 about methane here and I just wonder if everybody is
13 thinking far enough ahead to understand that most of the
14 landfills have piped and are gathering all the methane that
15 is being developed.

16 In the case of the San District it's a commodity.
17 They're using it to generate electricity. They were using
18 it to run their trucks and tractors on.

19 I would say that even if it came true that it was
20 creating more methane it's not going out into the
21 atmosphere. It's being recaptured and recycled.

22 In my opinion it's -- I don't think it's an
23 argument against what we're talking about today.

24 BOARD MEMBER RELIS: I just observe on that point
25 that that's true with the LA San District. It's not true

1 with all landfills in California.

2 So we're looking at a statewide policy.

3 So I'll just leave it at that.

4 BOARD VICE CHAIRMAN CHESBRO: And I wasn't
5 necessarily leading to the questions, except the allegations
6 have been made and I wanted to understand from staff's
7 perspective what the facts were as best they could present
8 them.

9 And I appreciate that additional perspective.

10 BOARD CHAIRMAN HUFF: Yeah. I read Mr. Newland's
11 letter also and he made several points about methane
12 generation.

13 We could have a good long conversation about
14 methane at landfills and what LA San is doing and whether it
15 ought to be encouraged or discouraged.

16 I think, I suspect that most landfill managers
17 would rather not have to deal with methane than deal with
18 it.

19 And I think it bears repeating what was said, and
20 that is particularly if the green material is already being
21 co-disposed one could even suggest that taking it out of the
22 co-disposal situation and spreading it to certain thickness
23 as alternative daily cover and not having it as pockets of
24 material within the landfill might be beneficial in some
25 way.

1 BOARD VICE CHAIRMAN CHESBRO: Mr. Newland was
2 arguing it the opposite way, that's why -- in his letter,
3 and I wanted to hear staff's response to that.

4 BOARD CHAIRMAN HUFF: Yeah. But at least what we
5 heard from staff is that the problem hasn't been observed.

6 I had another point of -- I suppose this is good
7 as any time to bring this up -- and that is to make sure
8 that we focus on what we're doing here and what we're
9 counting and what our nomenclature is, because I continue to
10 get letters that talk about diversion credit.

11 And I made this speech once already, and I'll make
12 it again.

13 BOARD VICE CHAIRMAN CHESBRO: You made it.

14 BOARD CHAIRMAN HUFF: There ain't no such thing as
15 diversion credit.

16 What we're talking about here is what is it that
17 is supposed to go across the scale and what does not have to
18 go across the scale at a landfill.

19 Because that which goes across the scale is going
20 to be called disposal. They're going to pay a buck 34 on
21 it.

22 And if it doesn't go across the scale it's not
23 going to be called disposal. It's going to in essence
24 disappear from our accounting because we don't keep track of
25 what is diverted. We just keep track of what is disposed.

1 And so I think it's important to keep that in
2 focus because that's what we're talking about.

3 What is it that we're going to require has to go
4 across the scale, pay the buck 34, and count at disposal.

5 BOARD MEMBER RELIS: Just to follow that along,
6 depending on where we go with this, if ADC received were to
7 not be as part of the disposed there could be no fee taken
8 for that?

9 Is that your point?

10 BOARD CHAIRMAN HUFF: That's part of it; yes.

11 BOARD MEMBER RELIS: I wonder if everyone
12 understands it.

13 BOARD CHAIRMAN HUFF: That's what we do right now
14 with soil that's brought into a landfill that's used as
15 cover. There has never been any question that soil that a
16 landfill generates on site and uses as cover.

17 BOARD MEMBER RELIS: So you couldn't claim any
18 income from that?

19 BOARD VICE CHAIRMAN CHESBRO: You can charge a
20 separate tipping fee and they do.

21 BOARD CHAIRMAN HUFF: They may charge whatever
22 price to take the material, but we don't run it across the
23 scale and collect a buck 34 on it.

24 And we made that determination some time ago that
25 for example soil that's contaminated to low levels and used

1 as daily cover at some landfills does not have to pay the
2 State's tip fee and does not get counted as disposal.

3 We've already made that decision.

4 BOARD MEMBER RELIS: That's been our practice with
5 the facilities that have gone through the pilots and are now
6 using it?

7 BOARD CHAIRMAN HUFF: Uh-huh. Okay.

8 So we wanted everyone to understand, though, that
9 the real question is not diversion, it's not credit. The
10 real question is what is run across the scale and called
11 disposal?

12 Am I correct, Counsel?

13 MR. BLOCK: You're correct.

14 BOARD CHAIRMAN HUFF: I love it.

15 Continue.

16 MS. VAN KEKERIX: The next question that we were
17 asked to address was the maximum amount of green waste that
18 could be used as ADC, how much ADC use -- how much ADC is
19 now used and what amounts of use could be reasonably
20 projected under some different scenarios.

21 And staff for the maximum number believes that the
22 number that we presented to the Board last September, that's
23 September of '93, is correct.

24 This would be if every landfill in the state used
25 green waste ADC. The number for the statewide for a depth

1 of 12 inches is approximately six million tons a year.

2 In order to give you some more estimates where not
3 every landfill used ADC, staff came up with several
4 scenarios and these are found on Attachment 2-A and they're
5 up on the TV screen right now.

6 And the assumptions that were used to prepare the
7 table are contained in Attachment 2-B.

8 Under Scenario 1 staff spoke with representatives
9 of the waste industry and also members of the permitting
10 staff, and we determined that there would be a large number
11 of small landfills that might be closing due to Subtitle D.

12 And also that small landfills constituted more of
13 the landfills who were going for the geosynthetic blankets.

14 So we eliminated the small landfills from our
15 calculations.

16 And down at the bottom under Scenario 1, the very
17 bottom line, it shows that 6,400,000 tons approximately of
18 ADC could be used for green waste statewide if it was placed
19 at 18 inches.

20 The line just above that shows that if it were
21 placed at 12 inches it would be 4,200,000 tons.

22 Under Scenario 2 staff continued to eliminate the
23 small landfills, and we then assumed that of all the other
24 landfills 50 percent would use the blankets. That's the
25 percentage that we have in the proposals that have come to

1 the Permitting and Enforcement Branch for demonstration
2 projects and all other landfills would use green waste ADC.

3 Again, the bottom line is the figure for 18-inch
4 depth of green waste ADC and that would be 3,200,000 tons
5 statewide.

6 And the line up from the bottom, if the green
7 waste was placed at 12 inches it would be 2,100,000 tons.

8 And the final scenario, Scenario No. 3, uses the
9 percentage of the proposals for ADC received in Permits
10 Branch.

11 So that would be 50 percent blankets, 17 percent
12 other materials, and 33 percent green waste.

13 And if the green waste were placed on those
14 landfills statewide there would be two million tons used, if
15 it were 18 inches, and 1,400,000 tons used if it were 12
16 inches.

17 Staff did consider using soil at landfills, but it
18 was very problematic to determine which landfills would have
19 a soil deficit and which had an excess of soil so these
20 numbers we believe are higher than the real world examples
21 would be, but we had no way of estimating what portion of
22 landfills had a soil deficit and which had an excess of
23 soil. So we simply went with the percentage that's
24 currently being proposed for ADC use.

25 BOARD MEMBER RELIS: Point of clarification.

1 BOARD CHAIRMAN HUFF: Uh-huh.

2 BOARD MEMBER RELIS: It's always helpful in
3 discussions of use like this to -- I always try to
4 distinguish between theoreticals and real applied. I mean,
5 how the world really works.

6 Would you characterize Scenario 1 as a theoretical
7 maximum?

8 MS. VAN KEKERIX: I think the theoretical maximum
9 would be the maximum amount possible in the state and that
10 is if every landfill used it. And that's column C-6.

11 BOARD MEMBER RELIS: So somewhere between Scenario
12 2 and 3, some combination of that or one other is likely to
13 more accurately reflect based on permits, based on how
14 applicant -- what we see actually happening out there?
15 That's the more accurate reflection of --

16 MS. VAN KEKERIX: Scenario 3 would be more
17 accurate, given the fact that we don't know how many of
18 these are going to be using soil.

19 So it could be further decreased if any of these
20 facilities used soil.

21 BOARD CHAIRMAN HUFF: Put it another way, the
22 weather forecast these days, which actually are pretty
23 simple, but weather forecasters typically say there's a 10
24 percent chance of rain or 90 percent chance of rain.

25 BOARD MEMBER HEIDIG: Or usually a hundred percent

1 chance of rain.

2 BOARD CHAIRMAN HUFF: That's what I say, it's a
3 lot simpler these days, but in previous years.

4 So Scenario 1 has a certain probability, Scenario
5 2 has a certain probability.

6 You're saying that of the -- including C-6, column
7 C-6, C-7, C-8 and C-9, the highest probability resides with
8 column C-9?

9 MS. VAN KEKERIX: Right.

10 And we think that that is probably somewhat high.

11 BOARD CHAIRMAN HUFF: That's a good way to put it.
12 I understand that.

13 And it's good information.

14 MS. VAN KEKERIX: And we did get some information
15 for you on actual use.

16 Janet Coke with LA County Sanitation District
17 provided the information that's in Table 4.

18 And that's that the maximum possible use of the
19 four facilities that they have is 600,000 tons and they are
20 currently using 200,000 tons.

21 BOARD MEMBER RELIS: Now, would that also be a
22 maximum would be the theoretical maximum? Like in the rain
23 you can't use it; right? As I understand it under our
24 condition, if it's raining like it has been, you don't --

25 MR. WALKER: There are no wet weather restrictions

1 for the LA County San District sites or the Yolo.

2 There are certain demos that are starting up
3 whereby the Water Board is imposing that, but those five
4 ongoing use projects there's no wet weather restriction.

5 BOARD CHAIRMAN HUFF: Well, let's pursue that a
6 little bit further then.

7 You're saying that the new demos the Water Board
8 has imposed a restriction that doesn't exist at LA San?

9 MR. WALKER: Correct. On a case-by-case basis a
10 site may for a situation with regard to leachate control, a
11 Water Board may choose to decide to impose a wet weather
12 restriction.

13 But they have approved the Yolo -- or the five
14 ongoing use sites with no wet weather restriction. They
15 were comfortable with its use during wet weather or dry
16 weather.

17 BOARD CHAIRMAN HUFF: And we don't know why they
18 happened to do that?

19 MR. WALKER: They did a pretty sophisticated
20 analysis of moisture infiltration and they were convinced
21 that it would not significantly affect the leachate
22 generation at the site.

23 BOARD CHAIRMAN HUFF: So why are they putting the
24 restriction on now?

25 MR. WALKER: On certain sites that get much higher

1 rainfall -- and those landfills have rainfall less than 20
2 inches -- there's areas in the state with over 30 and in
3 certain areas and also some of these --

4 BOARD CHAIRMAN HUFF: That's about 90 percent of
5 the state.

6 MR. WALKER: And some of these sites also have
7 particular groundwater problems that the Water Board is
8 concerned about and thereby they put additional
9 restrictions.

10 BOARD CHAIRMAN HUFF: It's a case-by-case?

11 MR. WALKER: It's a case-by-case.

12 BOARD MEMBER HEIDIG: Mr. Chairman, may I ask a
13 question of staff?

14 BOARD CHAIRMAN HUFF: Yes.

15 BOARD MEMBER HEIDIG: You have projections on Yolo
16 County and LA County San?

17 What is your estimation of the current seven
18 percent rule statewide? Can you project that so that we,
19 when in comparing Scenario 3 we have something to compare it
20 to in current use?

21 BOARD CHAIRMAN HUFF: Well, we can back into that,
22 because if you're talking about 35 million tons as being a
23 rough amount of the waste stream, right, and --

24 MS. VAN KEKERIX: For disposal?

25 BOARD CHAIRMAN HUFF: Yeah.

1 BOARD VICE CHAIRMAN CHESBRO: I thought it was 40.

2 MS. VAN KEKERIX: If you take the adjusted
3 generation, which is how you would measure it, for '93 it's
4 43 million.

5 BOARD CHAIRMAN HUFF: 43.

6 That's generation. We're talking about disposal,
7 because what we're talking about is whether this stuff has
8 to go across the scale and be counted as disposal or not.
9 Okay.

10 So if you look at 35 as being what's going across
11 the scale now and you said that six million of it won't, for
12 example, that's a reduction of 16 percent.

13 Now, that isn't the same thing as what we said
14 before in terms of credit, but that's how much of a
15 reduction in the waste stream potentially might exist.

16 MS. VAN KEKERIX: Right. The jurisdictions will
17 measure the adjusted generation times the .75 to come up
18 with the disposal tonnage.

19 BOARD CHAIRMAN HUFF: Yeah. If you used 43,
20 because you're trying to find out what the impact is
21 relative to diversion, yeah, you can do that. And six out
22 of 43 is roughly 14 percent.

23 So that would be the answer to your question.
24 Roughly 14 percent. Scenario 1 represents 14 percent.

25 Scenario 3 then represents about five percent at

1 18 inches.

2 BOARD MEMBER HEIDIG: So it would roughly be, if
3 I -- is it 800,000 tons that we would currently dispose of
4 as ADC under the current rule?

5 MS. VAN KEKERIX: We just have the information
6 right now provided by LA County Sanitation District that
7 they're using 200,000 tons right now. They could go up to
8 600,000 tons.

9 And Yolo County is using 14,250.

10 There are a few other green waste demonstration
11 projects, but they haven't been ongoing long enough to come
12 up with tonnage figures for us to give you here today.

13 So that's what's going on right now.

14 The projections are projections on a statewide
15 basis rather than actual number from --

16 BOARD MEMBER HEIDIG: So you think 800,000 is a
17 little low based on what you see in front of you in LA
18 County San?

19 MS. VAN KEKERIX: Statewide?

20 BOARD MEMBER HEIDIG: Correct.

21 MS. VAN KEKERIX: Probably if they can use a
22 maximum of 600,000, then there would be some figure over
23 600,000 on a statewide basis and it could be more than
24 200,000 for the rest of the state.

25 BOARD MEMBER HEIDIG: We don't really have a

1 number on what seven percent is currently being used?

2 BOARD CHAIRMAN HUFF: No.

3 MS. VAN KEKERIX: It's done by jurisdiction basis.

4 And one of the problems is that LA County
5 Sanitation District is going to be serving a lot of
6 jurisdictions and we don't have it broken down by particular
7 jurisdiction at this point in time, and I don't know that
8 the Sanitation District up until very recently was keeping
9 those kinds of records.

10 We could ask them. Their representatives are here
11 today.

12 BOARD CHAIRMAN HUFF: We can answer Mr. Heidig's
13 question in a different way, because I think I understand
14 the question.

15 If every community had a fraction of its green
16 waste going to alternative daily cover and if that fraction
17 for every community across the state was seven percent, then
18 it would be roughly three million tons annually statewide
19 that would be used.

20 BOARD MEMBER HEIDIG: That's the theoretical
21 limit?

22 MS. VAN KEKERIX: It would be about -- if there
23 are about 12 million tons of yard waste that was measured in
24 the waste stream it would be somewhere around there, yes.

25 BOARD CHAIRMAN HUFF: Yeah.

1 BOARD MEMBER HEIDIG: But not every jurisdiction
2 uses that limit?

3 MS. VAN KEKERIX: Right.

4 BOARD CHAIRMAN HUFF: Yeah. That's right.

5 BOARD MEMBER HEIDIG: Some use the tarp or don't
6 use --

7 BOARD CHAIRMAN HUFF: That's right.

8 BOARD MEMBER HEIDIG: It's too cheap to use dirt
9 or they have other diversion.

10 BOARD CHAIRMAN HUFF: Under the rules, let's put
11 it this way, under our regulations that went to OAL if every
12 community in this state, and not everyone did, but if every
13 community in this state had in its SRRE green waste going to
14 ADC at seven percent the total green waste used as ADC in
15 the state would be three million tons.

16 Now, every community did not do that, so the total
17 would be somewhat less and statewide it wouldn't come out at
18 seven percent.

19 But that's what we were looking at.

20 If you want to use as a benchmark what this Board
21 was willing to do, that's the translation of what it was
22 willing to do with the seven percent solution.

23 MS. VAN KEKERIX: I would like to point out that
24 just recently we've received a number of Source Reduction
25 Recycling Elements and in their whole large number, 50 or 60

1 jurisdictions who are considering the use of sewage sludge
2 as ADC as well.

3 So the seven percent solution could have covered
4 other materials beside the green waste.

5 BOARD CHAIRMAN HUFF: Yeah.

6 BOARD MEMBER RELIS: Shows how analytical we were.

7 BOARD CHAIRMAN HUFF: But three million tons is a
8 fair approximation of what seven percent of the waste stream
9 means of the generation.

10 MS. VAN KEKERIX: Yes.

11 BOARD CHAIRMAN HUFF: Before we interrupted you
12 with all that, where were you?

13 MS. VAN KEKERIX: I think I was just about
14 finished with the numbers.

15 BOARD CHAIRMAN HUFF: Okay.

16 MS. VAN KEKERIX: We were also asked to identify
17 if there were a legislative concept what Public Resources
18 Code sections would need to be modified.

19 And staff believes that it would be best to add a
20 new section, a new section, 41781.3 or a number thereabouts,
21 that if we went back in to look at how to calculate
22 achievement of the diversion goals the sections that are
23 currently written are fairly complicated and this would add
24 another layer of complication and make them even more
25 difficult to understand.

1 BOARD CHAIRMAN HUFF: It probably begin with
2 notwithstanding any other provision of law.

3 MS. VAN KEKERIX: Probably.

4 And that was the information which staff was asked
5 to prepare.

6 Just to summarize that briefly, OAL believes that
7 the Board must determine whether ADC is all disposal or all
8 diversion, but it cannot be both and cannot change over
9 time.

10 And a cap on jurisdictions could cause some ADC to
11 be counted as disposal and some to be counted as diversion
12 and does not meet OAL's requirement.

13 The CRRC proposes that ADC is diversion and the
14 amount used that is the functional use contributes to
15 disposal reduction.

16 The amount of ADC used should be limited by
17 landfill performance standards for ADC.

18 Third, it is difficult to determine the volume of
19 landfill space taken up by green waste ADC as opposed to
20 earthen materials because of different compaction and
21 compressibility and the decomposition of green waste.

22 The amount of either type of cover material needs
23 to achieve the performance requirements and is dependent on
24 landfill-specific conditions.

25 Permitting and Enforcement Division staff is

1 currently drafting regulations for green waste ADC
2 performance requirement that incorporate conditions set out
3 in LEA Advisory No. 19.

4 Performance requirements have not been established
5 as to the amount of other material proposed for use as ADC.

6 Diversion, Planning and Local Assistance Division
7 staff developed projections which range from ADC use of
8 700,000 tons per year statewide to 6,400,000 tons per year
9 statewide.

10 And if a landfill cap proposal were to become a
11 legislative concept a new section would need to be added and
12 we would need to examine other sections to make sure they
13 would not need to be revised.

14 There are several options that the Board has for
15 actions. We tried to list a range of them for Board
16 consideration though there are many iterations of all of
17 them.

18 First option, the Board could determine that ADC
19 is disposal. Staff would then revise the disposal reporting
20 regulations as appropriate.

21 Second, ADC could be determined to be diversion
22 and be limited and monitored by landfill performance
23 standards at the initiation of a demonstration project.
24 This is CRRC's proposal.

25 And the staff would then revise disposal reporting

1 regulations as appropriate and the Board would adopt ADC
2 minimum standards regulations.

3 BOARD VICE CHAIRMAN CHESBRO: Could I ask a
4 question?

5 When you say at the initiation of a demonstration
6 project that's modifying that ADC is determined to be
7 diversion, not modifying limited amount and monitored by
8 landfill-based performance; correct?

9 MS. VAN KEKERIX: That would be when it got to be
10 counted as diversion, you're correct.

11 BOARD VICE CHAIRMAN CHESBRO: I wanted to make
12 sure I read that correct.

13 MS. VAN KEKERIX: Yes. It got very convoluted and
14 I may have forgotten a comma or something.

15 Variation on that would be that the ADC was
16 determined to be diversion and would be limited and
17 monitored by landfill-based performance standards upon
18 completion and approval of a successful demonstration
19 project.

20 And that case staff would also need to revise
21 disposal reporting regs and the Board would need to adopt
22 ADC minimum standards regulations.

23 We could continue on with the existing definition
24 of ADC in the disposal counting regulations. If it were
25 determined to be regulations -- diversion and specify that

1 it became diversion when it was part of a revised landfill
2 permit.

3 And another option for Board consideration would
4 be to pursue legislative changes to allow a compromise
5 solution which would allow ADC to be part diversion and part
6 disposal such as the seven percent compromise in the
7 existing Board policy.

8 BOARD CHAIRMAN HUFF: Okay. Questions of staff
9 presentation?

10 There are none.

11 In which case it's time to begin.

12 BOARD MEMBER RELIS: Is there a time limit?

13 BOARD CHAIRMAN HUFF: Well, Mr. Relis, I've always
14 felt bad about imposing time limits on speakers. I take
15 pride in the fact that we're here to listen. So I think
16 that I won't, at least at the outset, impose a time limit.

17 I will encourage people not to repeat previous
18 testimony and I would suggest that if it appears that the
19 Board is in agreement with the point that you are trying to
20 make that it's probably counterproductive for you to keep
21 telling the Board about the point that you're trying to make
22 if we already agree with you. Okay. Because that's human
23 nature.

24 I have 23 requests. So let me say that also.

25 We're at your mercy, or if I get really grumpy and

1 then the meeting, the hour gets late, then you might be at
2 the mercy of my gavel, but I don't want to do that if I
3 don't have to.

4 So like I said, a little common sense in your
5 testimony, think about what you're trying to say, think
6 about whether anyone else has said it, think about whether
7 it needs to be said before you say it.

8 And with that I'll begin with Evan Edgar.

9 MR. EDGAR: Because of time constraints for Yvonne
10 Hunter, I'd like to defer to Yvonne Hunter to lead off.
11 City, county and private partnership.

12 BOARD CHAIRMAN HUFF: We will have a coffee break
13 at 3:00 o'clock anyway.

14 MS. HUNTER: Thank you. I have a doctor's
15 appointment at 3:15 out of town. I appreciate this.

16 Yvonne Hunter representing the League of
17 California Cities.

18 And even though we have an official representative
19 from Yolo County here I'm also going to be wearing my hat as
20 the chair of the Yolo County Waste Advisory Committee.

21 I've just been asked to also say she can't be
22 here, Karen Keene, from CSAC, concurs with the League's
23 position on this.

24 We believe --

25 BOARD CHAIRMAN HUFF: Cities and the counties

1 agree?

2 MS. HUNTER: Absolutely. Lockstep.

3 We believe that, first of all, we like a number of
4 the staff proposals and the options.

5 We believe that ADC should not be considered
6 disposal and we agree with the CRRC proposal that it should
7 be counted based upon a functional use criteria.

8 Many people talk about unlimited use and I, with
9 the risk of repeating what you might already agree, I want
10 to emphasize that does not mean that you can pile three feet
11 of green waste on and you consider that alternative cover.

12 The unlimited credit refers to the point if
13 you're -- the conditions of your demonstration project
14 dictate that you have six inches, 9 inches or 18 inches then
15 you should give -- you should be able to receive credit up
16 to that, assuming it meets all the performance standards.

17 BOARD CHAIRMAN HUFF: What's credit?

18 MS. HUNTER: Reduction and diversion.

19 BOARD VICE CHAIRMAN CHESBRO: Disposal.

20 MS. HUNTER: Reduction and disposal. All those D
21 words.

22 We also believe that the staff proposal that
23 allows credit -- I'm sorry -- allows reduction and disposal
24 at the initiation of your demonstration project, rather than
25 at the completion, is the appropriate way to go.

1 If there is concern that the demonstration project
2 may not be successful, and you won't know until the end of
3 it, we would suggest that the way of dealing with that is
4 you back out the disposal reduction due to ADC at that time
5 rather than wait a year or two years and then have the
6 jurisdiction wait to get the disposal reduction credit later
7 on.

8 We think it ought to be early on.

9 Clearly the LEA should monitor it carefully if
10 someone is piling on extra ADC and trying to get disposal
11 reduction. They should be -- their leash should be yanked a
12 little bit.

13 In any case we strongly support the CRRC proposal
14 and we urge you to adopt that.

15 And if I may, because I have to leave, I just want
16 to say that for Item 67, the enforcement guidelines, we
17 think staff did a fantastic job and it's an outstanding
18 document and we would urge you to adopt it.

19 Thank you very much.

20 BOARD CHAIRMAN HUFF: Thank you.

21 Evan, when you went first you didn't have to worry
22 about being redundant. Now you have to worry just like
23 everyone else.

24 MR. EDGAR: Evan Edgar, California Refuse Removal
25 Council.

1 The global aspects of green material management,
2 there's over ten million tons out there, and there's many
3 different market choices and you have the market choice of
4 composting, which we talked about this morning, mulching to
5 land application, and ADC.

6 In that context I believe that the Source
7 Reduction Recycling Elements only focused on the composting
8 component.

9 And when AB 939 was written back in the late '80s
10 composting was a perceived solution.

11 Over the last five or six years with funding for
12 demonstration projects a different type of demonstration
13 project for mulching and land application and ADC and
14 Subtitle D era we have many more market choices and many
15 more options.

16 I believe that the composting component as part of
17 the Source Reduction Recycling Element should be renamed the
18 Green Materials Management Component. That would be very
19 helpful, because we do have three different market choices
20 within using green waste.

21 You do have my volumes of pieces of paper up
22 there.

23 I have a statement dated January 11th, 1995, to
24 Mr. Chesbro. It's a philosophy paper.

25 But we talked about philosophy before, so let's

1 move beyond philosophy and talk about function and
2 functional use.

3 I do have another letter dated today, January
4 24th, to Mr. Chesbro, just reiterating some of the testimony
5 we had in the Planning Committee.

6 What has changed since then is that we strongly
7 support that ADC disposal reduction be applied at the
8 beginning of a demonstration project, at the initiation.

9 I believe there's been so many green material
10 projects out there that we know that green material works.
11 It will not fail and it hasn't failed yet.

12 So I would say for green material demonstration
13 projects that credit or disposal reduction should be given
14 at the initiation of the project.

15 Moving on to the numbers provided by Lorraine we
16 worked together on all these numbers and I would concur with
17 Scenario No. 3.

18 As my previous testimony I talked about ADC market
19 choice represents about 1.5 to 2 million tons. And if you
20 look at the chart that 1.3 to 2.1 million tons, it's in the
21 same range.

22 It is a practical and it's a realistic potential
23 market. As a potential a lot of landfills will still
24 continue using soil, especially these newer canyon
25 landfills, to create additional capacity.

1 You have to cut in order to create future lining
2 cells. So a lot of people continue to use soil to create
3 capacity.

4 People who do not have the soil will look at
5 different ADC choices.

6 I do have some pictures attached to the testimony
7 about an active cell.

8 During testimony both Kern County and CRRC talked
9 about an active face. I do have pictures in the package
10 that shows that the active face from a distance is rather
11 smooth. It looks uniform. If you're in your car doing a
12 site visit as part of a permit revision package, I know that
13 lot of Board members go out to different landfill sites to
14 take a look, as you drive by you look out the window and you
15 see an active face. It's rather smooth.

16 But talking about soil displacement I can't say
17 that with a straight face because it is very very nonuniform
18 as you get up close.

19 The third photo there shows a typical active face
20 up close using a tarp system. If you look at the shadows on
21 the tarp you see a lot of different displacements. It's not
22 a uniform face. It's a rather nonuniform.

23 I do have a paper attached to the package. It's
24 from Blue Ridge Services, a solid waste consultant out of
25 Montana. He's a registered civil engineer with 17 years of

1 experience. His name is Neal Bolton. He's writing a book
2 about this. People do write books about ADC.

3 I do have four pages all about that.

4 If you look at the numbers and crunch some numbers
5 out, he states it takes about 11 inches to make six.

6 I think Kern County did a great testimony in the
7 Planning Committee that talked about the soil filling up all
8 the voids. In order to fill up those voids it takes a lot
9 of soil to do that. It takes 11 inches of soil to make six.

10 So looking at the soil displacement issue I
11 believe what the staff looked at in Scenario No. 3, it takes
12 about 12 inches. That's a good round number to look at so
13 the ADC market would be about 1.5 to 2.0 million tons using
14 12 inches of ADC.

15 BOARD CHAIRMAN HUFF: Just a second, while we all
16 turn to the chart to make sure we're all following along.

17 What chart are you referencing?

18 MR. EDGAR: The staff report on page five.
19 Scenario No. 3.

20 BOARD CHAIRMAN HUFF: Scenario 3.

21 MR. EDGAR: We have removed the small landfills
22 due to the Subtitle D era and economies of scale they have
23 been deleted.

24 And Scenario 3 is I believed based upon the
25 current ADC projects on file, a percentage thereof.

1 MS. VAN KEKERIX: It's the same numbers as was an
2 the Attachment 2-A. Its just an enlarged version that's on
3 page five.

4 BOARD CHAIRMAN HUFF: What were your numbers
5 again?

6 MR. EDGAR: 1.5 to 2 million. About three weeks
7 ago I came up with those, more on a gut feeling and some
8 quick phone calls versus analysis, but this analysis --

9 BOARD CHAIRMAN HUFF: Our numbers I think, yeah,
10 this is 2082, is that his --

11 MS. VAN KEKERIX: Yes.

12 BOARD CHAIRMAN HUFF: That's his two?

13 MS. VAN KEKERIX: Right. That's what he's
14 referring to is the two million on your sheet is the
15 2,082,261.

16 BOARD VICE CHAIRMAN CHESBRO: You were just
17 talking about 12 inches; weren't you?

18 MR. EDGAR: Within the LEA advisory there's 50
19 different conditions. One of those allows ADC to be placed
20 between 6 to 18 inches.

21 With respect to the chart on page five it gives a
22 range of from 6 to 18 to inches, but I would look at the one
23 for 12 to 18 inches, which I provide the range of, the 1.5
24 to 2 million.

25 BOARD CHAIRMAN HUFF: Okay. So I think we all

1 understand. We're right with you.

2 MR. EDGAR: So out of the ten million tons out
3 there, or more, we're only looking at 15 to 20 percent could
4 hit the ADC market potential. That's not a big hit.

5 CRRC does represent a third of the permitted
6 compost industry out there. We have formed a consensus with
7 our organization to support this.

8 Reviewing the Board options today on page six CRRC
9 would recommend the Board to take the action number 2-A
10 where ADC is determined to be diversion or disposal
11 reduction and is limited and monitored by the landfill-based
12 performance standards at the initiation of the demonstration
13 project. That's specified in CRRC's proposal.

14 We recommended a revised disposal reporting
15 regulations as appropriate and adopt ADC minimum standards.

16 BOARD CHAIRMAN HUFF: Okay.

17 MR. EDGAR: With that, CRRC appreciates today, we
18 worked hard with staff.

19 I believe that Scott Walker over the last two
20 years, three years I worked with him on the LEA
21 demonstration projects in the field.

22 I looked at ADC from all ways possible, from the
23 ground, from the field, from policy, from regulations and
24 hoped today we can put this issue to a close.

25 Thank you.

1 BOARD CHAIRMAN HUFF: Okay. Clint Whitney.

2 MR. WHITNEY: I pass. You confused me.

3 BOARD VICE CHAIRMAN CHESBRO: That scares me if we
4 confused you, Clint.

5 BOARD CHAIRMAN HUFF: Steve Maguin, to be followed
6 by Jack Michael, of course.

7 MR. MAGUIN: Mr. Chairman, members of the Board,
8 my name is Steven Maguin, representing the Sanitation
9 Districts of Los Angeles County.

10 Before I get into my comments I would like to
11 respond to two questions that Mr. Relis raised during the
12 staff presentation on numbers that referred to our
13 operation.

14 First, relative to the 600,000 tons per year
15 estimate of ultimate use, yes, that is our theoretical
16 maximum. It's a little bit less theoretical because these
17 are definable sites with the LEA advisory in place and with
18 permit conditions in place.

19 If we got enough material every day and if we were
20 able to utilize ADC every day of the year, 600,000 tons per
21 year would be the most we could use among all four sites.

22 Relative to the issue of our Water Board having
23 specifically permitted us to use the ADC during wet weather,
24 that was the result of an extensive computer modeling and
25 detailed analysis which demonstrated that the utilization of

1 green waste in landfills in effect dewater the landfills.
2 It lowers the potential for leachate production by replacing
3 soil with the ADC. That demonstration was convincing to our
4 regional board.

5 In the interest of time I've done something
6 unusual. As the Board members know, I can speak at length
7 on this subject. It is near and dear to me, but because of
8 the order of the day I have actually created notes and I
9 will limit myself to these subjects and these subjects only.

10 The Board's current policy, which Mr. Chesbro
11 referenced as a compromise which left many people unhappy,
12 is exactly how we view the thing too.

13 And from the perspective of local government, who
14 are the people who have the legal responsibility to manage
15 the waste and to divert materials and to find markets, from
16 their perspective the current policy ignores the regional
17 nature of markets. More importantly it totally ignores the
18 wide variation of waste stream characteristics from city to
19 city.

20 Seven percent across the board just doesn't
21 reflect those kind of wide variations.

22 It's left local government in an quandary as it's
23 working very very diligently to totally comply with the
24 mandates of AB 939.

25 I'm specially pleased that this Board has opted to

1 readdress its current policy in response to the kind of
2 problems the current policy has created.

3 Now, some of the landfills in this state have the
4 opportunity to offer to local government to all those cities
5 and counties a relatively low-cost market for clean green
6 waste.

7 Realistically this market could approach an
8 ultimate limit on the order of 15 to 20 percent of the total
9 green waste generated in State of California.

10 Note that I agree with Mr. Edgar's numbers. I
11 agree with your staff's numbers.

12 The ultimate here is on the order of 15 to 20
13 percent of that green waste which is generated.

14 Because of that, there's no need nor any
15 justifiable reason for any artificial limit on local
16 government's access to that recycling program.

17 As your staff pointed out extremely well both in
18 their written document and in their presentation, the
19 current existing structure of the LEA advisory of this
20 Board's permit revision program for ADC in essence on a
21 case-by-case, very site-specific analysis creates a
22 numerical limitation on each landfill that chooses to
23 approve for a permit revision.

24 You create the functional limit through your
25 existing process.

1 I made a very similar request to you in 1993. Let
2 regional market forces, the economic forces out there,
3 control the choice among diversion markets.

4 I asked that you removed the shadow of doubt your
5 current policy has created.

6 Let local government move forward to remove green
7 waste from the existing waste stream.

8 Therefore, strongly recommend that the Board adopt
9 the functional use policy proposed by the CRRC without any
10 additional constraints.

11 Thank you very much.

12 BOARD VICE CHAIRMAN CHESBRO: Thank you.

13 Mr. Michael.

14 MR. MICHAEL: Mr. Chairman, members of the Board,
15 I'm Jack Michael, representing Los Angeles County.

16 In the interest of time I will make only two
17 comments.

18 One, I think it's very clear from the discussion
19 so far that this is an issue that simply can't be addressed
20 on a numerical limitation on a statewide basis. There's
21 clear differences on regional basis.

22 Local governments are the ones responsible for
23 achieving the disposal reductions, therefore I think they
24 should be the ones that determine how those reductions are
25 best accomplished.

1 Beyond that I support what Mr. Maguin said, and
2 Los Angeles County Supports CRRC's proposal.

3 Thank you.

4 BOARD CHAIRMAN HUFF: Okay. Grab the next one,
5 Wesley.

6 BOARD VICE CHAIRMAN CHESBRO: Jim Kuhl.

7 BOARD CHAIRMAN HUFF: Thank you.

8 BOARD VICE CHAIRMAN CHESBRO: City of Long Beach.

9 MR. KUHL: Mr. Chairman, members of the Board, I'm
10 Jim Kuhl, City of Long Beach.

11 I'm here today to support CRRC proposal and that
12 ADC disposal diversion credits, whatever we're going to call
13 them here, be allowed up to the functional limit of the
14 landfills.

15 I think that we need, local governments need the
16 ability to put in cost-effective programs. To start to
17 implement green waste collection programs, there's very
18 limited market. This gives us a chance to get the
19 collection programs in place while those markets develop.

20 I think it's really important that we move forward
21 with that. Give the cities a certainty that there is going
22 to be some end use and at least some credit toward 939
23 compliance on our green waste collection programs.

24 Thank you very much.

25 BOARD VICE CHAIRMAN CHESBRO: Thank you, Jim.

1 Next we have Jeannette Vagnozzi. Did I pronounce
2 it right? Maybe I messed it up so much she didn't
3 understand my pronunciation. City of La Verne.

4 FROM THE AUDIENCE: She just stepped out.

5 BOARD VICE CHAIRMAN CHESBRO: We will move onto
6 John Boss, SWANA.

7 MR. BOSS: Mr. Chairman, members of the Board,
8 John Boss, representing the Solid Waste Association of North
9 American, the California chapters. Those are chapters that
10 represent local governments, solid waste managers, and
11 landfill operators.

12 We have looked at the issue of ADC very carefully
13 from a technical perspective. We believe that the CRRC
14 proposal is a proposal that we can support.

15 There are several things we would like to point
16 out.

17 We would very strongly support the expansion of
18 this for what we call waste-derived ADC. There are some of
19 our jurisdictions who have completed demonstration projects
20 and currently have other demonstration projects which use
21 sludge, potentially use some other refuse-derived
22 alternative daily cover materials such as shredded tires,
23 auto fluff and other things, so we would like to expand your
24 policy to that.

25 We do believe that the use of waste-derived ADC

1 does reduce the amount of material that goes into a
2 landfill. Generally these are materials that would
3 otherwise be landfilled. If you substitute them for soil
4 you do have increased capacity, increased life for your
5 landfills.

6 I have prepared testimony which I've submitted to
7 you and I'll let you read the rest of that.

8 We do support the CRRC proposal.

9 Thank you.

10 BOARD CHAIRMAN HUFF: Any questions?

11 Thank you.

12 Kenneth -- is she back yet?

13 FROM THE AUDIENCE: City of La Verne?

14 BOARD CHAIRMAN HUFF: Yes.

15 MS. VAGNOZZI: Basically -- my name is Jeannette
16 Vagnozzi, and I represent the City of La Verne and the East
17 San Gabriel Valley Integrated Waste Management Joint Powers
18 Authority, which is 17 member agencies in the San Gabriel
19 Valley.

20 Basically I agree with what's been said before me
21 by Steve Maguin and Yvonne Hunter and other representatives
22 as well.

23 But the one thing that I wanted to point out to
24 you is what we're faced with in the East San Gabriel Valley
25 and that's there are no facilities in our area that are

1 feasible right now for us to take our green waste to other
2 than the landfills.

3 BOARD MEMBER RELIS: Could I just interject?

4 I know -- I don't want -- but I hope you'll use
5 the occasion while all the parties are here on this issue to
6 talk to some of the CORC and other representatives because I
7 believe there are facilities within reach of you there. So
8 I'll leave it at that.

9 FROM THE AUDIENCE: I gave her my card on the
10 airplane.

11 MS. VAGNOZZI: I've collected several cards that I
12 plan to bring back.

13 BOARD VICE CHAIRMAN CHESBRO: I'd like to add also
14 that the City of Los Angeles ships a considerable amount of
15 material, I don't know how economical it is, I can't vouch
16 for that, but over the mountains out to the valley to some
17 compost facilities in Kern County. There are cities doing
18 it in Southern California now.

19 MS. VAGNOZZI: For us right now it would be at
20 least three times as much expensive.

21 And it's just not a matter of dollars, because we
22 would prefer to compost as opposed to using ADC. That would
23 be our first choice because of the benefits of compost.

24 But currently the cost is so much greater for us
25 at this point that we would have to pass that on to our

1 residents and our ratepayers that are already complaining
2 about all the other fees that we have had to tack on for
3 recycling and all of the other programs we've had to
4 implement because of AB 939.

5 So that's my point.

6 BOARD VICE CHAIRMAN CHESBRO: Thank you.

7 BOARD MEMBER HEIDIG: Can I ask a question?

8 BOARD CHAIRMAN HUFF: Yes.

9 BOARD MEMBER HEIDIG: You're in opposition to the
10 seven percent and you're in support of, as Yvonne Hunter
11 was, on the behalf of local government on a much greater
12 alternative daily cover usage.

13 What is your opinion on the staff different
14 scenarios of 12 inches, 18 inches and 6 inches?

15 Because we're going to have make a decision based
16 on that too and certainly don't want to make it arbitrarily.

17 I was just wondering what your real-life
18 experience was as a local government.

19 MS. VAGNOZZI: Well, basically if it's more than
20 the functional limit then it's no longer alternative daily
21 cover, it's landfill.

22 And so whatever the landfill is currently using
23 for cover should be acceptable.

24 I know for example --

25 BOARD MEMBER HEIDIG: So six inches of what --

1 MS. VAGNOZZI: I was going to say I know for
2 example that Spadro, which is a landfill that we use at this
3 point, they're using 12 inches and that's what they need to
4 use at their landfill. So I think that would be an
5 acceptable amount.

6 BOARD MEMBER HEIDIG: Is that six inches of ADC
7 now or is that six inches of dirt?

8 MS. VAGNOZZI: My understanding is that they need
9 to use 12 inches of ADC.

10 BOARD MEMBER HEIDIG: Okay.

11 BOARD CHAIRMAN HUFF: I have a question.

12 You've started the questions going here, but I
13 think it's a real question.

14 Earlier we had a discussion and I made the
15 statement that the regulation that we sent to OAL as an
16 expression of what the Board was willing to see contained in
17 them the concept, at least, if not the reality, the
18 hypothetical, the theoretical, that if every community in
19 the state used -- sent green to alternative daily cover up
20 to the level of seven percent that what we would see would
21 be three million tons of alternative daily cover -- of green
22 material going to alternative daily cover and that was the
23 seven percent solution what it meant, if it was implemented
24 by everybody. Okay. Three million tons.

25 Now, we've heard staff say that Scenario 3, even

1 at 18 inches, represents 2.1 million tons of green material
2 being used as alternative daily cover.

3 So theoretically that's at least on average less
4 than seven percent. That's about five percent, somewhere in
5 that range.

6 Why is everyone against seven percent and for five
7 percent?

8 MS. VAGNOZZI: Because if you're a city that's
9 green waste composting or collecting green waste and sending
10 it to a facility, like for example in our experience in the
11 City of La Verne, which is the programs that I run, we have
12 put off implementing a green waste program because based on
13 our pilot study and the amount of green waste in our overall
14 waste stream we would easily easily, the way our community
15 responds to programs, such as recycling and different
16 programs in this area, we would easily pass up the seven
17 percent.

18 Our projection is that we would be 10 to 15
19 percent.

20 But there are other cities that aren't like that
21 and there are other cities that the residents don't support
22 it, that do not do green waste, a separate green waste
23 collection because of that, because their residents don't
24 support it.

25 So for example there is a limited number of cities

1 in our local area that are already doing a green waste
2 collection because there isn't the support for it and the
3 residents aren't willing to pay the extra fee.

4 If I had a way of bartering with those other
5 cities to use part of their seven percent I would be totally
6 in favor of the seven percent, but since it's not little
7 market there.

8 BOARD VICE CHAIRMAN CHESBRO: The problem is the
9 application to use as a jurisdiction?

10 MS. VAGNOZZI: Right.

11 BOARD VICE CHAIRMAN CHESBRO: That's the heart of
12 what's difficult for you to deal with?

13 MS. VAGNOZZI: Right. We are completely
14 restricted.

15 BOARD CHAIRMAN HUFF: It's sort of a rebellion
16 against one-size-fits-all way of thinking, if you will.

17 Is that a fair way to say it?

18 MS. VAGNOZZI: I know it would be difficult for
19 the Waste Board to have it on a case-by-case basis with all
20 the different jurisdictions, but I believe if you have it at
21 the functional limit then you allow this to be taken care of
22 on a local level through the landfills.

23 BOARD CHAIRMAN HUFF: Okay. Okay.

24 MS. VAGNOZZI: Thank you.

25 BOARD CHAIRMAN HUFF: That I think was useful.

1 All right.

2 Kenneth Krieser.

3 Oh, the hour of 3:00 o'clock. I'm sorry.

4 MR. KRIESER: I was just ready for a break.

5 BOARD CHAIRMAN HUFF: Is that all right or do you
6 want to go ahead?

7 MR. KRIESER: No, no. That's absolutely perfect.
8 I'll get a drink of water and be right back.

9 BOARD CHAIRMAN HUFF: I've got to make a phone
10 call, too.

11 (Thereupon a short recess was taken.)

12 BOARD CHAIRMAN HUFF: All right. Ten minutes
13 having elapsed.

14 Lowell Patton.

15 I'm sorry.

16 MR. KRIESER: Chairman Huff, I'll be Mr. Patton
17 for you.

18 BOARD CHAIRMAN HUFF: Let me apologize. See, I
19 already put a checkmark on your slip.

20 MR. KRIESER: Is that a good or a bad thing?

21 BOARD CHAIRMAN HUFF: That is a good thing. Once
22 I put a checkmark on the slip then I go on to the next name.

23 BOARD VICE CHAIRMAN CHESBRO: Next.

24 MR. KRIESER: Thank you, Mr. Chesbro.

25 Shall I introduce myself and my --

1 BOARD CHAIRMAN HUFF: Yes. Just so the record is
2 clear, if someone is reading this stuff.

3 MR. KRIESER: My name is Kenneth Krieser. I
4 represent American Environmental Recovery Services. We
5 service new technologies, consulting and site developing for
6 organic processing facilities and I'm also standing before
7 you as the executive committee member for California Organic
8 Recycling Council. I'm sure you've heard of that
9 organization.

10 BOARD VICE CHAIRMAN CHESBRO: Once or twice.

11 MR. KRIESER: As Mr. Whitney stated, I was a
12 little bit confused from some of the testimony and some of
13 the responses.

14 I prepared a very nice little story for you,
15 Mr. Huff.

16 In standing in the shower this morning I knew I
17 would be addressing the Board and I thought how can I most
18 eloquently address you with my concerns.

19 So I have a little story for you that I'd like to
20 start off with and then I'll get real and we'll get down to
21 the real issues.

22 As I see it we've traveled through the dark and
23 cold waters charting our path through the ever present
24 treacherous ice flows of regulations, permits, of energy
25 deregulation and now just at the dawn of light the true

1 beginning of our organic recycling industry, of real
2 commitment of money, technology and labor, you, the
3 captains, could order full reverse, impacting our ship,
4 which I call Recycling 939 or Recycle 939.

5 You can order a full reverse in backing our ship
6 upon the largest iceberg of all, unlimited diversion credits
7 with ADC.

8 The gaping hole in the hull allows the diluted
9 waters of AB 939 to enter, sinking the good ship Recycling
10 and pitching the vested passengers into the cold, icy,
11 diluted waters of AB 930 to perish.

12 Now, that was rather flamboyant and really after
13 having a little speech back here and talking about the
14 issues, it seems that we have come to a crossroads.

15 The unfortunate thing is is that just at the
16 beginning with our rules and regulations coming into place,
17 when people are going to commit time, dollars, hire people,
18 we have this ADC issue.

19 And I speak to you from a Southern California
20 perspective, because that's where I live, that's where I
21 work, although I move up and down the state and Arizona with
22 the recycling efforts for organics.

23 But there it seems to be very prevalent.

24 And among the processes that are currently vested
25 and the people that would like to be, there is a real fear

1 that what's going to be happening with these disposal --
2 there's different semantics of disposal or unlimited credits
3 or however we want to phrase it, but with OAL delivering the
4 all or nothing I think we in the organic industry really
5 have our backs up against the wall and you really have a job
6 before you to make a decision.

7 I'd like you to consider several points, because I
8 kind of see the direction in which this is going.

9 I think enforcement is going to be a real issue.
10 Okay.

11 And for the sake of all those folks that would
12 like to see a true relationship with recycling we would like
13 to make sure that whatever it's six inches or eight inches
14 and how many times you rolled over it with a D-9, when the
15 cutoff time is, when it's time to tell the refuse haulers,
16 hey, boys, you got to turn it around and go down to the
17 composting facility because we are full up on our ADC
18 credits or whatever that is, it's going to the imperative
19 that we have some sort of enforcement.

20 The question comes, all these wonderful figures up
21 on the screen, I mean they're theoretical. I can get in a
22 D-9 and I can guarantee you six inches of compaction. I can
23 roll over it a dozen times and give you one where I started
24 with 16.

25 So those raise a lot of questions in my mind and

1 of great concern.

2 And I'm also concerned about being a taxpayer that
3 I'm not paying for a little bit of dirt and a little bit of
4 green waste all at the same time.

5 So we need some reassurances for ourselves and the
6 private sector to know that we're getting the right deal put
7 to it for us.

8 So enforcement is an issue that I'd like you to
9 look at.

10 And certainly the ways of calculating what is
11 actually being put into the landfill and when we're going to
12 cut that off and where it's going from there and how much we
13 actually have to work with in the beginning and what are we
14 going to end up with when we go to whatever it is, 14
15 percent, 21 percent.

16 Because I really think that this gets the monkey
17 off the back, although the cities need to have a little bit
18 of relief, we understand that, but we want them to do the
19 right things.

20 We want to begin to develop our markets. We
21 cannot do this if we are dealing with unrealistic,
22 artificial tipping fees of \$8.80. Okay.

23 Now, we can't determine you have to have this
24 price, you have to that price. You can't do that.

25 But understanding that the industry in order to be

1 able to process and in order to be able to provide an
2 economically viable product, you have to start somewhere.

3 So when you make those decisions please keep these
4 things in mind that these are the things that we in the
5 private sector are faced with and we would still like to
6 recycle and we would still like to be able to have a stream
7 of materials that we can work with.

8 And I can assure you this, what I know to be true
9 is that in contacting most of the people that are handling
10 that material now, everyone is gloating over the fact that
11 we can take it for ADC and we don't have to go much further.
12 That's what we hear out there and we want you to be aware of
13 that.

14 Having said all of that, let me tell you how it
15 makes me feel. And I'm going to share with you, based on my
16 experience with Chairman Huff, you like athletics and you've
17 told stories about athletics, even a joke or two.

18 And how it makes you feel, Chairman Huff, is that
19 started that season practicing in the long hot days of
20 August and you've sweated and you've taken your salt pills
21 and you've worked hard and you get out there and you play a
22 number of games, you win some, you lose some, and finally
23 there's a super bowl and you're ready to play.

24 Our super bowl is when you ratify the rules and
25 regs, and just as you get ready to get into that game you're

1 replaced by a guy named ADC. And that's a tough way to
2 feel.

3 So thank you very much for your time.

4 BOARD CHAIRMAN HUFF: Okay. Stay there a second.
5 Questions? Questions?

6 I have some.

7 MR. KRIESER: Thank you, sir.

8 BOARD CHAIRMAN HUFF: First of all, I heard you
9 saying unlimited and I understand why you said it. But I
10 think what a lot of people at least are talking about isn't
11 really unlimited.

12 It's shifting the focus of the limitation, but the
13 limitation is still there. And I think that's an important
14 point.

15 We heard from the City of La Verne, particularly,
16 because I asked some questions there, about why they want to
17 trade seven percent for five percent.

18 And the answer was that in their instance they
19 aren't trading seven percent for five percent, they're
20 trading seven percent for something higher, but that's
21 because some other community is going lower. It's a zero
22 sum game.

23 That's to say that there will be communities out
24 there that will have zero percent of their green being used
25 as alternative daily cover, because there is a limit to how

1 much green material is going to be used for alternative
2 daily cover. That limit exists. It is finite.

3 If a landfill doesn't have it in their permit,
4 they ain't going to do it.

5 Am I right, Counsel?

6 MR. BLOCK: You're correct.

7 BOARD CHAIRMAN HUFF: I love it.

8 MR. BLOCK: They taught us to be concise and to
9 the point.

10 BOARD VICE CHAIRMAN CHESBRO: I think that's the
11 part that he loves.

12 BOARD CHAIRMAN HUFF: So there's a limit to how
13 much alternative daily cover, how much green material is
14 going to be used as alternative daily cover, as well as how
15 much tarp, auto shredder or fluff or whatever.

16 Right now, as I stated earlier and did not get
17 disagreement, with the regulations that we sent over to OAL
18 every community was almost invited, they didn't do it, but
19 they were almost invited to discuss alternative daily cover
20 in terms of seven percent of their green, or in terms of
21 their green to get seven percent of their 25.

22 If they had done that, if every community up and
23 down the state had banked on using green as alternative
24 daily cover to the maximum extent that the regs that were
25 sent to OAL allowed, the result would be approximately,

1 roughly three million tons of green material being used as
2 alternative daily cover.

3 Now, we have heard staff discuss the scenarios and
4 their research and they are telling us, staff is telling us
5 that if we adopt the functional use proposal that the most
6 likely scenario is Scenario 3 and that statewide at a depth
7 of 18 inches, only two million tons of material will be used
8 for this alternative daily cover purpose.

9 So what we're seeing is at least arguably a
10 million tons less than our previous position.

11 Why are you against that?

12 MR. KRIESER: Chairman Huff, I think you make a
13 very good case and certainly your numbers for today's
14 discussion will work with those numbers.

15 Now answer me this, though.

16 How do we really, once we roll this big ball,
17 okay, once we start the bowling game, roll that ball down,
18 how do we stop it?

19 How do we enforce it?

20 How do we know that this is in all actuality
21 something that is being looked after by the LEA on a daily
22 basis?

23 BOARD CHAIRMAN HUFF: Well, because the LEA does
24 make inspections and under our regulations the LEA
25 inspections occur at a set frequency.

1 The alternative daily cover program has no less
2 than 13, I believe it is, different conditions describing
3 it.

4 In fact it is a highly structured, highly confined
5 program, I would suggest, that is looked at in enforcement
6 actions, just like we look at cover of all nature as one of
7 the major areas of concern relative to maintaining state
8 minimum standards. Cover is one of the first things an
9 inspector looks for out at a landfill.

10 MR. KRIESER: Would you give some consideration to
11 some of the thoughts that CORC has provided for you on the
12 conditions? Wherever applicable will you take a very close
13 look at that for us as well?

14 BOARD CHAIRMAN HUFF: Sure, sure.

15 MR. KRIESER: We'd appreciate it.

16 And I certainly appreciate your time in explaining
17 it to me and I'm sure that I'll get much clearer on this
18 issue so that we can pass this along to the grass-roots
19 folks down there so they understand.

20 Because those folks don't know which way it's hit
21 them. And that's who we represent are the people down
22 below, that can't come to Sacramento, and they'd like to
23 know about it.

24 When we have that, let's pass it on to them so
25 that they can at least get a reading one way or another on

1 which way their life is going.

2 BOARD CHAIRMAN HUFF: I certainly understand that.

3 Nobody in this business likes to be surprised.

4 See, what I'm saying is OAL has told us that we
5 don't have the authority to put some sort of limitation on
6 the SRRE side of the life relative to how much people are
7 counting against their waste diversion goals.

8 And I questioned counsel earlier in this meeting,
9 we do have recognized authority to cover landfill practices,
10 so that it's entirely conceivable, under the CRRC proposal,
11 that some community out there is going to be first to the
12 dump and make a deal with the landfill and that they're
13 going to say, look, you take all of our green and use it as
14 your alternative daily cover. And, you know what, we'll
15 even pay you a little more than this \$8 if you'll do that
16 for us.

17 Then everyone else would be frozen out, won't
18 they?

19 And so all the other communities will be zero.
20 There will actually be some competition, I think it will
21 enhance the value of the green material. And there will
22 actually be some competition for this because it is a
23 limited commodity. And nobody can do it until it's in their
24 permit.

25 MR. KRIESER: Thank you, sir.

1 BOARD CHAIRMAN HUFF: Okay. Lowell Patton.

2 MR. PATTON: My name is Lowell Patton. I'm with
3 the City of Winters. I'm recycling coordinator there.

4 I came and testified before the Planning
5 Committee, and as I stated there I think too many times
6 cities the size of Winters with 4800 people, 1450 refuse
7 accounts, 12 of them are commercial, two of them are
8 industrial, we're really small.

9 I want to answer the question of why the City of
10 Winters would trade seven percent for something else.

11 And I have -- I didn't have time to make copies.
12 It's on that and it's small.

13 I said to one of my friends anybody who could come
14 here and work this thing probably shouldn't get up and speak
15 because they have been here too much.

16 I'll get real big on one number. You see that
17 32.3 percent? That's the percentage of our total waste
18 stream in the month of December. That's yard waste.

19 Now, that number doesn't include our tiny 20/20
20 redemption center and that doesn't include self-haul, but
21 that is our total waste stream, all roll-off boxes, all, of
22 the industrial, all of the commercial, everything.

23 And that 32.3 percent, if I can make this work, as
24 it goes across the board 16.5 is our lowest.

25 And those are real numbers. Those aren't, well,

1 is it theoretical or is it real. Those aren't. Is that 12
2 inches or six inches or 18 inches? Those are numbers picked
3 up, weighed, because our current situation in Winters is our
4 waste or yard waste goes across the scales because we pay to
5 have it turned into ADC right now.

6 Now, some of it, granted, doesn't go to ADC. Some
7 of it goes to, you know, ground cover and things like that,
8 but it's weighed, it's real, and this is a real problem for
9 the City of Winters.

10 In our lowest months you're telling us that, you
11 know, however you want to call it, 90 percent of our total
12 waste stream, we just have to, you know, do something else
13 with it, leave it in the garbage can, do something else with
14 it.

15 Now, I recognize the ability to compost that would
16 be my favorite thing. I'm recycling coordinator. I'm
17 educated in recycling. Composting is obviously, because of
18 its use, returnability back to citizen, back to farmers,
19 it's a much, I don't want to say better, but it seems to be
20 a better commodity. Chipped green waste to ADC going into
21 the landfill versus compost, it's not a real tough decision.

22 But we don't have a composter within 50 miles of
23 the City of Winters.

24 And I got a cost from, I'm not sure if I should
25 get the numbers out, but from somebody else who is just

1 outside that 50-mile range, of \$11.90 a ton tipping fee. He
2 told me that their permit will allow them to accept all of
3 our yard waste and turn it into compost.

4 I'm currently paying \$28 a ton to turn it into
5 ADC.

6 So on the face of it it seems, well, why are you
7 being so stupid, why don't you send it to compost?

8 Well, that's because it's so far away.

9 If I had somebody within 20 miles, within 30
10 miles, somewhere close to what we're hauling our refuse
11 right now and paying the \$28 or somebody in between, 17
12 miles, whatever, I'd sure take it there, because it would be
13 financially, it would be, morally, if you want to count
14 recyclables as moral, be morally responsible for me to do
15 that.

16 But I can't do that. I can't do that. We've just
17 privatized. We've followed our SRRE. We've started our
18 curbside recycling. We have been doing it for eight months.
19 We're doing everything we're told.

20 And we're looking for those gray areas where we
21 can get some more, I know Chairman Huff hates it, but
22 credit. But to me that's what it is.

23 When I look at my, without going through the
24 base-year adjustment method, when I look at no programs in
25 1990 and I'm diverting, let's say 16 percent just for the

1 sake of argument, well, that's probably close to a 16
2 percent reduction in our disposal and that's why I so often
3 say diversion rather than disposal.

4 And whether it's six inches or 12 inches or 18, I
5 don't think that we're really asking you today to tell us
6 whether six inches or 12 inches or 18 inches is the
7 allowable reduction and disposal if you will.

8 We're saying if you've approved a landfill to do
9 ADC, whether it's six inches or 12 inches or 18 inches, you
10 guys have that power already and you can tell them, you
11 know, if -- I don't know that they'd like you changing it
12 from 12 to 6 or 18 to 12, or whatever, it might require some
13 soil amendment, but we're just saying give us the credit.

14 If you feel it's diversion or you feel it's
15 reduction in disposal, as I feel that you feel, by giving
16 partial credit to me it's pretty cut and dried.

17 If it's diversion, it's diversion.

18 If it's disposal, it's disposal.

19 And people come to me all the time and say why do
20 you really care, it's just, it's seven percent, it's six
21 percent, it's 16 percent, it's 32 percent. What does it
22 matter to you?

23 Well, it matters to me because on a very basic
24 level I have real trouble, I mean if you want call it
25 dodging the icebergs of the Waste Board every time I think

1 we get something good then I have to dodge it and I have to
2 change.

3 And we're sitting here on January 25th, 1995.
4 I've already sent three weeks' worth of yard waste to the
5 landfill.

6 And, you know, if we wait through all of January
7 that will probably be about my seven percent if that were to
8 stay, and I have to take the rest of it somewhere else.

9 So I'm just asking for a clear and concise
10 decision that I can take back and say beyond a shadow of a
11 doubt, hopefully, that the Waste Board feels that ADC is
12 disposal or the Waste Board feels that ADC is diversion.

13 And because of that this is what it means to our
14 program.

15 But thus far it's been really difficult.
16 Transformation, zero percent in '95, ten percent in 2000.
17 Yard waste seven percent today, seven percent tomorrow.

18 Different statements have been coming out of the
19 Waste Board for local government that it seems like, you
20 know, it's a proverbial moving target.

21 We keep our SRRE. We do everything in our SRRE
22 and we come out okay. That's the responses we always get.

23 I guess if you want to talk real and you want to
24 talk estimated our SRRE is clearly an estimated numerical
25 analysis.

1 And I bring to you today the most real numbers
2 that I can and request that you make a fair and just
3 decision that won't send up to about 20 percent of my yard
4 waste or 20 percent of my waste stream packing eight months
5 out of the year.

6 BOARD VICE CHAIRMAN CHESBRO: I have a couple
7 questions, but let me ask if others --

8 BOARD MEMBER EGIGIAN: Yes; I have.

9 I would like the gentleman to have a little faith
10 in the iceberg. Stick around the balance of this day and
11 I'm sure you'll get some answers.

12 BOARD VICE CHAIRMAN CHESBRO: Okay. I'm asking
13 this not because it's our job to say in detail in each
14 community which programs you should be implementing, but
15 rather I'm trying to examine what range of options you and
16 other jurisdictions, I should have asked La Verne this and
17 maybe I'll ask some more as we go through here, but to what
18 degree have you pursued -- you're not just in a reactive
19 mode in terms of locating composters. To what degree have
20 you and the other Yolo County jurisdictions pursued trying
21 to attract or develop composting in the county as a more
22 accessible tool?

23 MR. PATTON: As far as Yolo County I think you'll
24 hear Tamara Bowcutt speak about what they've done.

25 As I'm aware, I've asked, I've explored some

1 landspreading and some questions about vermicomposting from
2 a gentleman who was going to try to start up a project in
3 the county.

4 With Yolo County as the person who is taking yard
5 waste right now, if we had vermicomposting I'd probably be
6 able to get rid of the balance of my yard waste for credit
7 that they probably might not take because we have such a
8 high percentage and our percentage of the yard waste, if it
9 were put in line with our percentage of the total waste
10 disposed at the landfill, would only be about, we're only
11 about two or three percent of the Yolo County Central
12 Landfill.

13 So two or three percent of that 14,000 tons would
14 be ours.

15 And that requires me anyways, because that would
16 be 500 tons a year, and I do somewhere around 1200 tons per
17 year, I still have to look other places.

18 There is a company at the landfill that is
19 exploring composting.

20 Most of the people that I've talked to who are
21 considering starting facilities have really been hung up on
22 the tiered permitting process. And they haven't been able
23 to give me numbers, promises, however you want to look at
24 it, commitments to doing or not doing composting, depending
25 on how the tiered permitting process comes out.

1 Now, I think we had a little insight into that and
2 today and I may get better answers tomorrow.

3 But it's one of those things where you ask
4 somebody what they can do for you tomorrow. If the Waste
5 Board comes back and says zero percent ADC, I want to be
6 able to do something with my yard waste. They won't tell
7 me.

8 Maybe after today they will tell, because the
9 composters have been real hung up on the tiered permitting
10 process and I think I may get some answers today.

11 BOARD VICE CHAIRMAN CHESBRO: The second question
12 that's related is has to do with waste prevention. To what
13 degree is backyard composting or grasscycling or those kinds
14 of things, are those kinds of things taking place?

15 MR. PATTON: Our endeavors towards backyard
16 composting are public education.

17 I think in a year or two our SRRE requires a
18 master composter's program.

19 Up until now we have had people from the
20 university give talks on backyard composting and organic
21 gardening.

22 And because of our fiscal position we haven't been
23 able to offer, like many cities, bins and, you know, all the
24 help in the world to be able to start the composting.

25 But we felt that, you know, we've been doing our

1 part by through public education and the little worm bin.

2 BOARD VICE CHAIRMAN CHESBRO: Thank you.

3 BOARD CHAIRMAN HUFF: I had a question.

4 I assumed that you heard my exchange with the
5 gentleman, what was it, two speakers ago, I think it was,
6 suggesting that perhaps the CRRC proposal here would
7 actually result in some competition relative to who would
8 sell the green waste that is going to be used as ADC.

9 And that this would occur because in fact someone
10 would not be limited to only seven percent credit but
11 that -- credit. I said that word. That seven percent
12 disposal reduction. But in fact they potentially could
13 receive something considerably more.

14 Do you think that might happen and how would that
15 affect your community?

16 MR. PATTON: It's really hard for me to answer the
17 question in that our SRRE didn't count on ADC.

18 And I think to a degree as we stand here today in
19 1995 it would be hard for -- a consultant did our SRRE. It
20 would be hard for a consultant to put his name on the line
21 and say, hey, look, here's a way for you guys to get rid of
22 some of your yard waste. 16 percent, 20 percent 32 percent.
23 There's some big credits out there available for yard waste
24 to ADC.

25 But most programs were in, I'll call it the pilot

1 program stage, in fact our landfill, Yolo County Central,
2 was in a pilot program stage.

3 It's hard for me to answer because we've never
4 really been faced with the reality of a solid decision in
5 regulation from the Waste Board concerning ADC and no real
6 competition at all other than if you send it through gate
7 it's \$36 a ton, if you send it across the scales and it goes
8 out to ADC piles it's \$28 a ton. That the only competition
9 that has existed right now and that's within the same
10 facility.

11 I feel that in less rural areas, maybe Sacramento
12 County or places with a few more landfill choices, that you
13 will find possibly heated competition if the landfills are
14 in the same need for the ADC if they can't use soil. I
15 mean, the balance of soil versus ADC then becomes the issue,
16 not the balance of seven percent versus full credit or
17 refuse versus ADC.

18 BOARD CHAIRMAN HUFF: Okay. Any others questions?

19 Thank you.

20 Keith Till.

21 MR. TILL: I'm Keith Till, city manager in San
22 Marino.

23 Like the other city representatives here today,
24 I'm here to argue in favor of ADC for functional use, as I
25 did about a year ago.

1 Maybe what's a little different about San Marino,
2 though, as compared with other cities, is fully 50 percent
3 of our residential waste is green waste, arguably 60
4 percent.

5 Just doesn't pencil out real easily for us to
6 achieve our goals on it.

7 But since last time I spoke to you we have made
8 some progress and a couple weeks ago our city council
9 approved in concept a citywide green waste program and we
10 think it's a good thing and we are moving forward with it.

11 But I have to tell you that our city council is a
12 real pragmatic, practical type group and they were asking me
13 some tough questions about, well, is this going -- it's
14 obviously going to cost our residents some more money to run
15 it, are we going to get a benefit, is the State going to
16 find this acceptable, are we going to be in hot water with
17 the regulatory agencies?

18 And I told them, hold on, I'll have an answer for
19 you soon.

20 And we're hoping to get that answer today and
21 we're hoping it goes the right way because, frankly, these
22 are rational actors, these elected officials, and it's just
23 not going to be fully rational move for them to approve this
24 green waste program and go out from their heart and tell the
25 residents that it's the right thing at the right time if the

1 system doesn't work.

2 One other thing I wanted to add, too, anticipating
3 maybe some of the questions on the composting side and are
4 we doing anything else in that arena.

5 We have a citizens group that's formed and they
6 have been quite active and very influential with the policy
7 decisions. The San Marino Environmental Network is
8 supportive of the green waste program that's been approved
9 in concept and they support it because they know one
10 component of it is the city's committing to work with the
11 haulers, the contract haulers, to get a back yard compost
12 education program and a real workable program for those who
13 are willing and able to do it.

14 We are doing it through those avenues as well.

15 Thank you.

16 BOARD CHAIRMAN HUFF: Okay. Tamara Bowcutt.

17 MS. BOWCUTT: Hi. I'm Tamara Bowcutt. I'm with
18 Yolo County, one of the case studies that you have been
19 looking at, and the service provider to the City of Winters,
20 Lowell Patton, who spoke earlier.

21 I have some numbers that I'd like to share with
22 you too to start off. And I'm not sure I know how to work
23 this thing either.

24 Let's start with these numbers here.

25 Yolo County generates 3.3 percent green waste as a

1 jurisdiction.

2 So to answer your question, Jesse, that you
3 repeated whether I got five or seven, as a jurisdiction for
4 AB 939 planning it doesn't matter.

5 But since Yolo County owns and operates Yolo
6 County Central Landfill and we are the primary service
7 provider of all of the cities in our jurisdictions, it does
8 matter to me what I can provide as a level of service to the
9 waste generators in Yolo County.

10 We're trying to have Yolo County Central Landfill
11 evolve into an integrated waste management facility and
12 we've accomplished quite a lot to that extent.

13 We have on site through a public-private
14 partnership a wood waste recycler.

15 It is through that wood waste recycler that we are
16 able to venture into the ADC area.

17 And we do provide the ADC recycling, diversion,
18 reduction credits, whatever you want to call it, to the
19 cities in Yolo County who separate their yard waste at
20 present.

21 That is limited to Woodland, Davis and the City
22 Winters.

23 West Sacramento does not source separate their
24 yard waste.

25 And Yolo County has an open market free for all

1 collection so there's no separation there as well.

2 Putting that as the definition for where I'm
3 coming from, I have prepared a written statement which I
4 gave you a copy of.

5 Yolo County would like to see the Board call ADC
6 diversion flat out.

7 Generically speaking, ADC, when you don't look at
8 it as just green waste, should be diversion.

9 Yolo County is working under a grant right now
10 through the Integrated Waste Management Board to study
11 shredded tires as alternative daily cover.

12 Should that be successful we would like to see
13 tires count towards diversion.

14 We'd like to be able to venture into an
15 relationship with MacMillan Bloedel should they ever
16 actually house themselves in Yolo County to look at the
17 paper sludges as an alternative daily cover.

18 But should alternative daily cover be considered
19 disposal, we won't have that motivation.

20 Further, if ADC is considered diversion we would
21 like the maximum allowable credit.

22 In my written statement I said reasonable.
23 Reasonable is denied at the landfill by demonstration.

24 And I think SWANA has presented good discussion on
25 the technical aspects of reasonable limits on ADC.

1 As it goes to the seven percent jurisdictional
2 allowance, I don't support that at all. And as I have shown
3 you the numbers in Yolo County it's an issue of
4 jurisdictional inequity.

5 West Sacramento is a highly industrialized city.
6 In Yolo County you can see that their diversion -- their
7 yard waste, green waste is nine percent.

8 They would be rewarded by seven percent for not
9 having any trees in their community, for having more
10 asphalt.

11 Woodland, known as the City of Trees, generates 18
12 percent green waste. They would be penalized by a seven
13 percent cap.

14 Yolo County would win. We only have 3.3 percent,
15 as I said.

16 So we would like to see no caps to the
17 jurisdiction. The cap should be placed on the landfill who
18 is permitted. The landfill is really the service provider.

19 And although in our case we are a local
20 government, being a service provider as government allows us
21 to cooperate on a regional basis.

22 When all of the cities in Yolo County get on to
23 source reduction or source-separated yard waste collection
24 we will have more green waste than we can use as ADC.

25 Our facility documents and our land future

1 planning documents for our facility do show us inviting
2 composting on site.

3 Valley Byproducts, who is wood waste recycler and
4 the ADC service provider, is presently exploring the new
5 tiered permitting regulations that are out to add that to
6 the integrated facility that we have.

7 Trying to see if there's anything that I can say
8 in summation.

9 I do thank you for providing this participatory
10 environment to explore the ADC regulations.

11 And with that, if you have any questions.

12 BOARD CHAIRMAN HUFF: Questions?

13 Thank you.

14 MS. BOWCUTT: Sure.

15 BOARD CHAIRMAN HUFF: John Welborn.

16 MR. WELBORN: Chairman, members of the Board, I'm
17 John Welborn, public services manager for the City of
18 Lompoc.

19 And I appreciate the opportunity. I was requested
20 to sit on the working group for the ADC, but I was unable to
21 make it.

22 But I did submit a proposal on December 13th
23 basically stating that I didn't see the need to have limits
24 placed or a cap on the ADC and all the approved ADC
25 materials should be included in that process.

1 Yesterday I submitted another letter and upon
2 review of CRRC's proposal of functional use I think that's
3 probably a little bit better stated, the way they have done
4 it.

5 And we would support their recommendation for the
6 functional use of the material.

7 Also appreciate the idea that what we're talking
8 about going through this policy now we're not talking sunset
9 in the future that we got to revisit this issue again. This
10 is going to be it and something we can count on.

11 Our main concern and what prompted me to write the
12 letter yesterday was that so much of the CRRC discussion and
13 what I'm hearing almost exclusively today with a couple
14 exceptions is that looking at ADC in terms of the green
15 waste issue only and I understand that's an important issue,
16 but our materials is a water treatment plant sludge, which
17 sometimes has been confused as sewage sludge, but it's not,
18 it's a water treatment plant sludge. We've had that
19 approved for ADC for quite some time.

20 And we just want to be assured that we're playing
21 on a level field here that, you know, if we get one approved
22 in this concept that all approved ADC would be included in
23 this process and that it wouldn't be arbitrary.

24 Just wanted to make note that if, you know, if you
25 don't see how you could approve all those materials or

1 ADC-approved projects at one time you might want to take a
2 second look at this issue.

3 Our concern is if you approve the green waste
4 issue as ADC and kind of walk around the other issues it may
5 not be revisited. So we want to be sure that we're included
6 in that approval process or at least strongly considered for
7 that.

8 And SWANA supported this position as well, as John
9 Boss talked earlier today.

10 We think it makes sense to go ahead and give that
11 blanket approval and for all of the approved ADC.

12 Thank you for the opportunity to share that with
13 you.

14 And if you had any questions on what I had to say
15 or my letter, I'll entertain questions.

16 BOARD CHAIRMAN HUFF: Questions?

17 Thank you.

18 Staff, do you have a response to this? It's not
19 the first time this issue came up.

20 What are the regulations that OAL received, say,
21 about other materials used as alternative daily cover?

22 MS. VAN KEKERIX: The disposal reporting
23 regulations address all forms of ADC. It doesn't make any
24 distinction between green waste and other types of wastes.

25 So that's why I was making the point earlier that

1 the seven percent is that you set applied to other materials
2 as well as green waste.

3 BOARD CHAIRMAN HUFF: Okay.

4 MR. WELBORN: We are assuming that. We just want
5 to make sure it was clear.

6 BOARD CHAIRMAN HUFF: Chuck Tobin.

7 MR. TOBIN: Mr. Chairman, members of the Board, my
8 name is Chuck Tobin. I'm the development director for
9 Burrtec Waste Industries.

10 I would like to make sure that we have all of the
11 correspondence that's in the record.

12 I have a letter from Dave Fahrion, who represents
13 the Riverside and San Bernardino County Disposal
14 Association, whether or not that's been received for the
15 record.

16 BOARD SECRETARY KELLY: What was the locality?

17 MR. TOBIN: Riverside and San Bernardino County
18 Disposal Association.

19 BOARD CHAIRMAN HUFF: I don't see it up here.

20 MR. TOBIN: Let me just then -- actually, I'm
21 carrying a little bit of Evan's, because he didn't formally
22 mention that letter. Just make sure it is in Evans' packet.

23 BOARD CHAIRMAN HUFF: Okay.

24 MR. TOBIN: There's also a letter from the San
25 Bernardino County Solid Waste Management Department with

1 signed by Gerry Newcombe, deputy director.

2 BOARD CHAIRMAN HUFF: That one we just got up
3 here.

4 MR. TOBIN: Correct.

5 And also I believe in Evans' packet and separately
6 distributed there's a letter from Burrtec Waste Industries
7 signed by Cole Burr.

8 BOARD CHAIRMAN HUFF: I have that.

9 MR. TOBIN: Those were the three letters.

10 BOARD CHAIRMAN HUFF: Okay.

11 MR. TOBIN: In addition to those letters I've been
12 asked to speak today on behalf of Edco, which is Edco serves
13 San Diego, Orange and Los Angeles Counties. Burrtec is Cole
14 Burr's, Ed's son. And Burrtec is Riverside and San
15 Bernardino Counties.

16 And then also potentially the County of Riverside
17 Waste Management Department, which is also running an ADC
18 project and we got about 98 and a half percent approval to
19 send a letter, but we didn't just quite get there.

20 On this, we just -- I want to be very very brief
21 because we feel that the testimony given so far is very much
22 in support of being able to characterize clean green ADC as
23 being diversion.

24 And I just like to offer you a perspective, our
25 perspective on the way we think perhaps things are going to

1 evolve sort of down in the trenches on this issue.

2 As has been previously noted the prior Board
3 action was both good news and bad news.

4 It was good news because at least it set up in the
5 minds of cities and the haulers and those who have to try to
6 organize these programs an indication that this was an
7 activity that the Board wanted to see carried out.

8 On the other hand it was bad news because it had a
9 tendency to put a cloud or create other issues and what's
10 been referenced to as some of the issues are obviously the
11 cap, the seven percent, where you were winner or loser, are
12 you up or down or whatever.

13 The other cloud that it put on the prior action
14 taken by the Board was the '97 sunset.

15 Cities, let me tell you, I'm standing here because
16 cities, all of the cities that we represent, Riverside, San
17 Bernardino, San Diego, LA and Orange County all want this
18 program.

19 Now, we have not heard a negative comment about
20 this program.

21 We are here because they want us to stand here.

22 But the '97 sunset created a dilemma for them.
23 They wanted to put it their SRREs. They had to first go
24 through a process of determining whether or not it was going
25 to be potentially a valid program.

1 And the San District, of course, has pioneered
2 that in Yolo County in terms of determining that it is a
3 credible program.

4 But to take off the '97 is important because
5 otherwise in their SRRES when they're really honest with
6 themselves, all they can say is it's a proposed program.

7 It's not, again, it's neither fish nor fowl. It
8 doesn't sit here or sit there.

9 So from the point of view of what they're asking,
10 as has been previously stated, that the Board take this
11 cloud off and just say it is diversion.

12 Burrtec approaches this from the point of view
13 that we are asked by our cities to develop market outlets
14 for what we call processed clean green.

15 By processed what I'm saying is that it goes
16 through a series of steps. We separately collect it. We
17 take it to a contract grinder. There it is inspected and
18 cleaned of all contaminates and then it is ground and
19 screened.

20 And then what our cities ask us to do is get the
21 best price we possibly can, whether it's compost, whether
22 it's mulch, whether it's ADC or whatever.

23 So we are trying to in essence to quality control
24 over clean green is a high priority issue for us and we feel
25 that many haulers are going to move in the same direction.

1 If I can offer you a corollary example.

2 On curbside recyclables every city makes the same
3 request. They say in exchange for this newspaper or these
4 cans we want you to go out in that marketplace and get us
5 the best deal that we can. All right.

6 And that's what's happening with clean green.
7 It's being separately collected. We're upgrading the
8 quality of material and then we're outsourcing to whoever in
9 the marketplace is able to give us a long-term good deal.

10 And that's -- it's been referenced that is -- as
11 part of the political process each of the elected officials
12 at the local level of course wants the best possible deal
13 they can so they can turn that, make that statement, look
14 their constituents in the eye and make that statement.

15 So in any event, we very much, all of the
16 individuals, the letters or the other organizations that
17 I've mentioned, very much support the work that Evan has
18 done.

19 They believe it is very solidly based work.

20 One other thought that we have here is that it's
21 been referenced on the part of the composting industry that
22 their primary concern is that we have nothing to fear but
23 fear.

24 And part here we believe that we use composting
25 and we have developed composting at the local level, but a

1 lot of this is we just don't have quite all the facts and
2 one of the things we encourage here is the Board to
3 consider. We've talked about CRRC holding perhaps workshops
4 with all the parties so in a sense compare notes on some of
5 these.

6 You can see in this process you're still trying to
7 dig out the facts here.

8 And we do believe that in long-term it's of
9 absolute benefit to go with diversion for ADC clean green.

10 And that again in that process if we talk about
11 this some more all parties will be benefitted.

12 You took a very positive step in terms of the
13 composting regulations. That helps us at the local level a
14 great deal because now we know something more about the
15 targets we're trying to hit.

16 We're trying to say the same thing about clean
17 green here.

18 And we believe there's a need to bring these
19 parties, these people who are working at the local level
20 together in this kind of forum to further talk about what
21 are some of the long-term objectives here.

22 So thank you very much.

23 BOARD CHAIRMAN HUFF: Questions?

24 Let me ask, you've heard me say and ask of other
25 speakers is one of the results of the CRRC proposal an

1 enhanced market impact? That is to say that there's a
2 limited amount of alternative daily cover that's going to be
3 used in a landfill and if you're a locality or if you're
4 anyone who possesses some of this material and that's going
5 to translate into disposal reduction for you, doesn't
6 removing the seven percent cap enhance the desirability of
7 that material?

8 MR. TOBIN: Yes; we believe --

9 BOARD CHAIRMAN HUFF: In selling that material?

10 MR. TOBIN: With my previous position I ran
11 landfills and so all of the characteristics that are
12 necessary in terms of landfill operations and especially in
13 terms of daily cover and making daily cover and passing LEA
14 inspections and the like -- this material, again, remember
15 it goes through a process to get where it is. It has to go
16 through a demonstration program, which again is a bargain
17 process with a Water Board, with the Air Board, with the
18 LEA, with all of parties, the regulators, and in turn it
19 comes out a product. It is what we call a value-added
20 product in terms of for clean green.

21 It will in essence then become -- it is the basis
22 for other potential steps. It could be used as compost and
23 it could be -- or it can be sold to a composter as part of
24 their materials.

25 Our feeling is that this does nothing but help all

1 the parties, because as has been indicated, the total amount
2 of green in the state is somewhere on the order of 12
3 million tons a year.

4 And between the two programs, compost and ADC
5 clean green, we're not even close to scratching the surface
6 yet. I mean, you know, that's part of what our program is
7 all of a big hundred ton a day, you know. I mean, this is
8 very much the mountain out of the mole hill. I don't think
9 we're going to gobble anybody's business.

10 BOARD MEMBER RELIS: You mean your ADC?

11 MR. TOBIN: Yeah. Our demonstration program with
12 San Bernardino County is 100 tons a day.

13 And let me tell you, it is regulated from the
14 crack of dawn to, you know, when the fill closes and well
15 beyond at night.

16 There are more people out there looking at how
17 this performs.

18 And but it's part -- and, well, it's something
19 that we believe in, but it's also something, quite honestly,
20 as I said I'm here because our cities have said this is what
21 they want and they have kicked us and said get out and make
22 it happen and that's why we are here.

23 BOARD CHAIRMAN HUFF: Okay. Thank you.

24 Joe Sloan.

25 MR. SLOAN: Mr. Huff, Board members, thank you for

1 the opportunity to address you this afternoon.

2 I will make it brief.

3 I did want to address a couple of things before I
4 actually got into my remarks.

5 Actually I wanted to talk to you about several
6 things, most of them have been addressed already so I'll
7 forego those.

8 I do want to talk to you a little bit about cost
9 and the people that are footing the bill.

10 And to illustrate that I would like to revisit a
11 remark that you made earlier, Mr. Chesbro, regarding the
12 City of Los Angeles and their transportation of quite a
13 large percentage of their green waste to a distant site.
14 It's at the junction of the 60 and 15 freeways. It's a
15 permitted site there that is some 30 miles from City of Los
16 Angeles.

17 A recent study was done. As you may recall in the
18 last mayoral election in the Los Angeles there was a lot of
19 talk of privatization and ways that the city might be able
20 to save some money by privatizing some of their services.

21 One of the considerations had been the possibility
22 of privatizing their solid waste collection services,
23 residential.

24 And an extensive study has been done to kind of
25 look at the budget of the sanitation department in the City

1 of Los Angeles. Their budget is the third largest line item
2 or third largest portion of the city's budget behind police
3 and fire at about \$180 million per year.

4 When you take that and you divide that by 720,000
5 households it equates to about 24, \$25 per month per
6 household for refuse collection, recycling and green waste
7 service.

8 About half of that city receives automated service
9 and I know you're familiar with the other half receives,
10 currently receives regular manual collection and manual
11 recycling programs.

12 Comparable services provided by the private sector
13 and surrounding cities cost about 12 to \$13 per household
14 per month.

15 Certainly not all of that 100 percent increase
16 would be attributable to additional transportation for green
17 waste, but I suspect that a pretty good portion of it is. I
18 can't identify it for you, but it does cost them a lot more
19 money to get that material out there..

20 You can imagine trying to make 30 miles loaded
21 going one direction and dead heading, coming back empty, 60
22 miles round trip at six miles per hour on the Pomona
23 Freeway. Not 60, six.

24 BOARD VICE CHAIRMAN CHESBRO: How does that cost
25 of hauling and composting compare to cost of disposal?

1 MR. SLOAN: If you look cost of disposal in the
2 instance of our cities if you're talking about just tipping
3 fee you're talking about \$16 a ton for tipping fee, but if
4 you're talking about green waste at a Los Angeles County
5 Sanitation District, you're talking about \$8.80 a ton.

6 BOARD VICE CHAIRMAN CHESBRO: I'm talking about
7 for the City of Los Angeles, that you're saying that it cost
8 them a lot to compost, and I think you have to compare the
9 cost of composting it to the amount --

10 MR. SLOAN: Right. There certainly is quite a
11 large incremental cost to their operation and the reason for
12 that is because they have to go to a transfer station, first
13 of all. They have to pay the transfer station fee, then
14 they have to pay the transportation fee, and then they have
15 pay somewhere between 16 and \$20 per ton disposal, but not
16 disposal, but processing fee at the site where they unload
17 the material.

18 And on top of that then they also have the
19 additional collection system, which adds there again to the
20 cost.

21 So I just wanted to make that point, that, yes,
22 there are cities that are doing some long haul. There are
23 very few that are and the ones that are paying dearly for
24 it.

25 I had the opportunity and the privilege of serving

1 on the working group that revisited this issue and I thank
2 you for that opportunity and privilege.

3 A lot of details were discussed, but I will try to
4 forego those and just capsulize the concerns of ten cities
5 that my company serves in the San Gabriel Valley of Los
6 Angeles County.

7 Ten cities when you say that real fast doesn't
8 sound like much, but when you -- ten fairly small cities, I
9 guess, by comparison to Los Angeles and San Francisco, but
10 when you look at the number of households that we serve it's
11 in excess of 100,000 single-family households and probably
12 twice that many multi-family residences that we service in
13 that area.

14 All totalled between the residential dwellings and
15 the commercial businesses that we serve we estimate that we
16 touch the daily lives of about a million people each week in
17 Los Angeles County.

18 The net impact of this ADC issue is that if the
19 Board will see fit to adopt the functional use permit as
20 proposed by the CRRC this proposal will save the residents
21 just in the small communities that we serve about \$1.25
22 million per year.

23 Each resident in the cities that we serve face
24 approximately a 100 percent increase in service fees related
25 to green waste collection.

1 The entire upcharge, that entire 100 percent
2 upcharge, would be to pay for additional transportation
3 requirements and much higher processing fees.

4 There are a number of composters that are here in
5 the audience and I count many of them as my friends and I
6 hope that we'll still be friends after today.

7 But I believe that they would be hard pressed to
8 claim that there is a lack of feedstock available for their
9 operations.

10 The disagreement really centers around whether or
11 not citizens should directly subsidize a compost business by
12 being forced to pay higher transportation and higher
13 processing fees once they get there.

14 I believe that composters in California will not
15 only survive, but I think they will thrive without the
16 subsidy.

17 I think that the efforts of the California -- of
18 your Board's Market Development Committee and the natural
19 market forces that will accompany that will certainly
20 combine to reward efficient operators of composting
21 operations.

22 During our working group meetings it was estimated
23 that California's annual green waste production is nearly 10
24 million tons a year.

25 As a contractor for municipalities I'd like to say

1 that we endorse the Scenario 3 that was mentioned in the
2 staff report.

3 And, Ms. Van Kekerix, I can't remember if it's
4 Attachment 2-A, but it's in the staff report under Scenario
5 3, the 12 to 18 inches criterion, that predicts that 1.5 to
6 2 million tons could be used statewide as ADC maximum.

7 This would leave fully 80 to 85 percent of the
8 total available material for other uses, including
9 composting.

10 I don't believe that an additional subsidy is
11 necessary and I certainly don't think that it should be
12 required of the citizens who are already paying really high
13 trash bills.

14 I know you guys are more familiar than anybody
15 about the requirements of people and what they're having to
16 pay these days, but people are right now paying higher
17 collection costs because of new RCRA requirements, high
18 permitting costs for landfills, curbside recycling fees,
19 green waste collection fees, AB 939 surcharges, AB 1220
20 surcharges. Those are all things that people are paying
21 currently.

22 And I can tell you because of the fact that every
23 week we're in council meetings where we have council rooms
24 full of people that are tired of paying for the blinkin'
25 programs. That's what they're telling us anyway.

1 I would like to ask you for the sake of those
2 approximately one million residents in Los Angeles County
3 that we service that you would adopt the CRRC proposal,
4 functional use proposal, and allow the efforts of the Market
5 Development Committee, local decision makers, and creative
6 and resourceful businesspeople to meet and exceed the waste
7 reduction mandates that you've been charged with.

8 And finally I'd like to say this.

9 We are not in any way, shape or form opposed to
10 composting. We would like to see composting happen.

11 Composting right now, because of the lack of
12 availability of close-in, affordable sites, is not doable in
13 the cities that we serve.

14 Now I say it's not doable. It's not politically
15 acceptable in the cities we serve.

16 But for any resourceful composter that's here that
17 would like to accept our material we will meet them at the
18 landfill and they can haul it away for us at 8.80 a ton.

19 Thank you.

20 BOARD CHAIRMAN HUFF: Okay. Any questions?

21 None.

22 Mark Madden.

23 MR. MADDEN: Good afternoon on this late
24 afternoon. I'm Mark Madden from Schnitzer Steel. We're an
25 auto and appliance shredder in Oakland and I'm proud to say

1 and actually eternally grateful for being this Board's
2 guest, first recipient of the recycling award for having
3 recycled three million cars.

4 And for many years we have actively participated
5 with your staff and Alameda County and local landfills in
6 processing and testing and certifying the use of treated
7 auto shredder residue as daily cover.

8 More than five years ago this very Board, not the
9 people on this Board, approved the very first demonstration
10 project to use this residue and the basic principle
11 enunciated was to make sort of the entire discarded vehicle
12 or appliance reusable by actually utilizing the nonmetallic
13 components, the vinyl and the upholstery, et cetera, as
14 daily cover.

15 Last year in fact this Board approved a loan to
16 Schnitzer Steel to purchase additional equipment to increase
17 recycling of white goods in accordance with AB 1760.

18 We received strong support from our local
19 jurisdictions..

20 And I would refer you to Mayor Harris' letter to
21 you today, to Chairman Huff, in part because while we would
22 be increasing the production of residue as we increase the
23 recycling of appliances diverted from landfills, this
24 residue would be used as daily cover and count as diversion.

25 If shredder residue as daily cover is limited as

1 diversion, ironically the more we recycle, that is the more
2 waste we generate and paradoxically the less diversion we
3 accomplish, that will essentially diminish our
4 accomplishment of the AB 939 goals, because we'd create a
5 disincentive for local jurisdictions to site regional
6 diversional facilities within the boundaries.

7 And to make a very long story short, I suppose, we
8 respectfully join with Mayor Harris in requesting that any
9 ADC limitation at least exclude noncombustible material. I
10 mean, this would be consistent with the recycling policy
11 expressed in AB 1760 to encourage recycling to metallic
12 discards, and to credit those jurisdictions which support
13 these efforts.

14 Thank you very much.

15 BOARD CHAIRMAN HUFF: Mayor Elihu Harris.

16 MR. MADDEN: Mayor Elihu Harris.

17 I have a copy.

18 BOARD CHAIRMAN HUFF: And you're saying that he is
19 supportive of the CRRC proposal?

20 MR. MADDEN: I don't know if he supported the CRRC
21 proposal, but he -- I don't want to put words in his mouth.
22 Here's the letter.

23 BOARD CHAIRMAN HUFF: But he does wish -- he
24 opposes any policy that eliminates, he uses the phrase
25 "diversion credit," I use the phrase "disposal reduction."

1 MR. MADDEN: I've heard that.

2 BOARD CHAIRMAN HUFF: So he wants disposal
3 reduction and he's opposed to policies that eliminate
4 disposal reduction.

5 And he sees disposal reduction as a way to meet
6 the diversion requirements.

7 I wonder if he has spoken with anyone about this.

8 I know it's late, but I just had to. Okay.

9 Can we have this for our --

10 MR. MADDEN: I hope you already have it.

11 BOARD CHAIRMAN HUFF: I have a copy of it
12 somewhere in that stack. That's the stack that's we ex
13 parte-ized at the beginning of the meeting.

14 Speaking of ex parte-izing things, I have a letter
15 from Inland Empire Composting and a letter from the County
16 of Yolo also.

17 I think the Burrtec letters were referenced and
18 the San Bernardino letter was referred, but I think that now
19 brings current all the various -- pieces of paper seem to
20 just sort of materialize here on the dais.

21 Dave Hardy.

22 MR. HARDY: Thank you. I'm David Hardy, president
23 of California Organic Recycling Council, and composter in
24 San Bernardino County.

25 I'll cut through the remarks since everybody has

1 already said everything, since we already hashed through
2 this a year ago.

3 I find the thought of competition, given the
4 limited amount of supply, intriguing. It eliminates a lot
5 of the fears, at least initially that our members have
6 raised, but it raises a couple of other questions.

7 First of all, we're doing ADC because it's cheaper
8 and that the haulers are under enormous amount of pressure
9 to cut the best deal.

10 The first round of ADC decision is great for the
11 first people in line, but what happens is we kind of start
12 this cycle and the next group comes along.

13 And to me when we originally looked at this we
14 envisioned about three million tons statewide for the
15 material.

16 CORC supported the ADC proposal. We actually
17 supported LA San's proposal for ten percent diversion..

18 Our memberships span a broad range of people and
19 we still think that's realistic.

20 However, in listening to these arguments now and
21 the overwhelming support, where does it all end?

22 Does the Board really have the resolve to say,
23 hey, this is it?

24 And the first ones that got in line, the first one
25 that did their source separation, hey, they got a windfall

1 here, the rest of you are going to have to suck it up.

2 And I question that and I'm not really sure.

3 And so with that combined with our concern over
4 abusing the system and having this turn into a panacea, I
5 haven't had an opportunity to read LEA rulemaking No. 19.

6 I think staff did a hell of a good job of trying
7 to frame the issue.

8 But I think we're kidding ourselves if we think
9 it's only going to be about two million tons.

10 And my question would be to you and the Board is
11 that are you ready to go up into the six million and since
12 our state is expanding and growing in population and garbage
13 goes up exponentially, I wonder if we're not going to be
14 back here again a year from now, but it will be the same
15 people, just different cities, saying the same thing. What
16 are we going to do then?

17 BOARD CHAIRMAN HUFF: Well, let me respond, Dave.

18 MR. HARDY: Great.

19 BOARD CHAIRMAN HUFF: You raise a good point.

20 And that is the essence of what's been proposed
21 here.

22 I mean, our first thrust was to answer what your
23 point is. We said, okay, we will deal with it at the
24 jurisdiction level.

25 And OAL told us we couldn't do that.

1 We had already dealt with it at the landfill level
2 as a matter of fact. We have set up the demonstration
3 project program. We are writing regulations on the
4 demonstration project and on alternative daily cover. And
5 we were doing that even before OAL pulled the plug on our
6 jurisdiction approach.

7 What I have said is that there is a finite limit
8 to how much alternative daily cover can be used in landfills
9 across this state. The scenario that looks at six million
10 tons annually ignores certain aspects that exist out there,
11 exist today.

12 The circumstances of small landfills, the fact
13 that there is other material, ask the guy from Schnitzer
14 Steel, also out there trying to become alternative daily
15 cover.

16 Staff says that the most likely scenario is
17 Scenario 3, which takes into account the factors of small
18 landfill, other competitors in the alternative daily cover
19 marketplace, et cetera.

20 But even if you grant Scenario 2, okay, even if
21 you grant that one, staff is saying that the maximum, the
22 maximum, if we allow 18 inches in the regulation, says the
23 maximum for this material, the maximum number of tons
24 involved is the same three million tons that we talked about
25 with the seven percent solution.

1 No difference. No change.

2 But you're correct, the difference is some
3 communities will now get more than seven percent and other
4 will get less, and it depends on just how good a competitor
5 they are.

6 MR. HARDY: Being a free marketeer if that
7 actually happens and then I think both industries will
8 flourish because that will drive the prices up to the true
9 value.

10 BOARD CHAIRMAN HUFF: I think so.

11 MR. HARDY: We're in agreement with that, but in
12 the short term we'll take a look at the LEA rule No. 19. If
13 those things happen, that's good. And if are able to hold
14 the line, that's fine.

15 And without doing the public thing, I was not
16 choreographed by Evan Edgar, as has been circulated around
17 the room. I think I'm the only one in here that was not.

18 BOARD CHAIRMAN HUFF: That's because you have more
19 hair than he does.

20 MR. HARDY: Thank you for noticing.

21 Thank you.

22 BOARD CHAIRMAN HUFF: You get all the stuff down,
23 don't you, on the transcript?

24 BOARD VICE CHAIRMAN CHESBRO: Some lawyers in a
25 little room at OAL read over it all too.

1 BOARD CHAIRMAN HUFF: Okay. Is this Will Baker?

2 MR. BAKX: Bakx.

3 BOARD CHAIRMAN HUFF: Bakx. All right. You're
4 next.

5 MR. BAKX: I'm Will Bakx, marketing chair for
6 California Organic Recycling Council, and composter in
7 Sonoma County.

8 There's an idea that came to mind when we talked
9 about alternative daily cover and that's a chocolate cake.

10 Imagine a landfill as a chocolate cake and you
11 have been directed by AB 939 to be the managers to make the
12 cake a little leaner.

13 So we've been focusing on getting the yard debris
14 out of the landfill, and that's what we have been doing in
15 the regulations for a long time.

16 Right now with the ADC we are kind of turning
17 around and say, well, if we cut the cake up in layers and
18 layer the chocolate back in, because we can take the
19 chocolate that's the yard debris out and layer it back in,
20 then we are in a lot better shape.

21 Now, I don't know much about Weight Watcher's, but
22 they would not agree with that philosophy.

23 But there are some things that I heard here today
24 that have put me a little bit more at ease with this here.
25 I'm still wary, but there are some things that make me feel

1. a little bit comfortable.

2 I would really like to see that we pay more
3 attention, more specific attention to how much can be added,
4 how much daily cover can be applied to a landfill.

5 We've been throwing out some numbers that says in
6 a six inches, 12 inches, 18 inches. Personally, I do not
7 feel very comfortable by utilizing data that comes from
8 landfills that are really jumping at the gun to start
9 utilizing this material. They, of course, are not looking
10 at using the minimal amount, but more the maximum amount.

11 I think that they have more independent data on
12 this here and look at coming back to our original goals and
13 as to diverting as much as possible in the landfills and
14 that means that we should use the minimum amount that goes
15 there.

16 And I think that that data should be based not
17 just on doing something in Los Angeles, it should be based
18 on different moisture contents that are being utilized,
19 different forms of compaction. I think we need more
20 scientific measurements on this here to make sure that we
21 get data that we need to see how we can do a minimal use of
22 alternative daily cover and maximize diversion as mulches
23 and compost.

24 That's all.

25 BOARD CHAIRMAN HUFF: Questions?

1 Thank you.

2 Linda Novick.

3 MS. NOVICK: I'm Linda Novick. I work with
4 Wheelabrator Clean Water Systems Biogrow Division.

5 And we do beneficial use of biosolids.

6 And I guess I didn't come here today to tell you
7 something you haven't already heard. We came here to
8 support the seven percent solution, and actually a modified
9 seven percent solution.

10 The modifications being looking at the
11 municipalities, the jurisdictions that can't or have trouble
12 with abiding by a seven percent and meeting their AB 939
13 because of the lack of composting facilities available and
14 taking a look at them on a case-by-case basis, instead of
15 what appears to be the solution that's being proposed today,
16 which would be to count more ADC as diversion and be looking
17 at the composting facilities to catch up with that.

18 Now that it's a legislative solution, of course, I
19 would like to see this resolved today as much as anybody
20 else, so it's a little more difficult.

21 So I guess we still maintain that and I know that
22 it's difficult for the Board because that's something that
23 the Board now can't decide on.

24 But we feel that that's the most equitable
25 solution.

1 The other issue I guess that has been brought up,
2 because there's been a lot of discussion of the number of
3 inches of green material that can be used as alternative
4 daily cover, what I haven't seen today, and what I've heard
5 mention of, is biosolids and other materials and how those
6 are going to be looked at.

7 And I guess that's a question I have in terms of
8 is that going to be addressed here and does that get
9 addressed separately through investigation of ADC?

10 BOARD CHAIRMAN HUFF: I think the answer to your
11 question is that the regulation as originally put to OAL
12 addressed not just green as alternative daily cover, but
13 other materials as well.

14 So I think that as a Board our understanding is
15 that issue is resolved.

16 MS. NOVICK: It's resolved because it would be the
17 percentages would be the same thing; right?

18 BOARD CHAIRMAN HUFF: Uh-huh.

19 MS. NOVICK: People could divert as much as they
20 can up to X amount; right?

21 BOARD CHAIRMAN HUFF: Uh-huh.

22 MS. NOVICK: It's that X amount that I have the
23 question on because the number of inches for green material,
24 right, is that going to resolved in the landfill level, is
25 that going to be resolved per landfill?

1 I guess that's my question that how -- I mean, we
2 have seen a lot of data on green material and I know that
3 the Board is looking at the number of inches that would
4 qualify for green material. Is the Board also going to be
5 looking at different substances or is that going to be left
6 to the discretion of the landfill?

7 BOARD CHAIRMAN HUFF: No. That is not left to the
8 discretion of the landfill.

9 Staff, fill me in.

10 MS. HERBST: The reason we've been able to talk
11 about a range of thicknesses for green material is because
12 there have been no many demonstration projects for green
13 material.

14 There have been relatively few for other kinds of
15 materials.

16 And because we -- if we had enough demonstration
17 projects we would have written advisories on those projects
18 as well. But there are few here and a few there.

19 One possible solution would be to simply allow the
20 diversion, whatever amount or maximum thickness is set in
21 the permit that memorializes the permanent use of that
22 material as ADC.

23 Given the lack of information because of the
24 rarity of those kinds of projects, at this point that would
25 probably be the best solution staff could recommend.

1 BOARD CHAIRMAN HUFF: But the answer is that the
2 landfill can't do anything it wants to, it has to do
3 something that is in the permit?

4 MS. NOVICK: Correct. Okay.

5 Thank you for the opportunity to discuss this.

6 I guess from our perspective we think that in the
7 next year or two, especially with the new regulations coming
8 out and our company is in the permitting process of a
9 facility in Los Angeles County, that there are going to be
10 other options for cities that are going to be coming sooner
11 and that perhaps some of the information that we're basing
12 is on the past experiences and those are real experiences,
13 we're not disputing any of the numbers that are here today,
14 but that we feel like there's going to be a lot more
15 opportunity to actually recycle this material in the future
16 and that we shouldn't be making those decisions based on how
17 much capacity in the past.

18 And I thank you very much.

19 BOARD CHAIRMAN HUFF: Thank you.

20 Jim Sullivan.

21 MR. SULLIVAN: Mr. Chair, members of the Board and
22 staff, thank you for the opportunity to speak to you today.

23 I really came a little unprepared. I don't
24 represent a city that's taken five years to do an SRRE and
25 still incomplete. I don't represent a county or a landfill

1 operator that has millions of dollars to make from putting
2 what has been called waste back into the landfill for a
3 profit and calling it something other than waste.

4 I represent myself. I don't represent any of the
5 other composters.

6 But I have to tell you that what I see today I
7 wish I could be at these meetings more often instead of
8 working every day.

9 What I hear and see is that on the guise of ADC
10 you can take anything from auto fluff to sewage sludge to
11 green waste, grind it up and instantly when you put it in
12 the landfill it's not there. It's something different.

13 I think that that bespeaks a problem within the
14 system itself. I think that what we see today is brought on
15 by ourselves, the composters somewhat, but I don't think
16 it's the fault of the cities. I don't think it's the fault
17 of any one individuals.

18 But I do think that the tiered processing has
19 prevented composters from going forward with the time,
20 talent, investment needed to provide the recycling
21 opportunity for the various cities.

22 I think that what we're seeing today is a panic,
23 because here we are in January 1995 with very few cities
24 with any kind of a recognizable program in place and this
25 offers an opportunity, an escape.

1 And it's escape that works well for most of the
2 people.

3 Certainly works well for the haulers. They make
4 more money with less cost.

5 It certainly works well for the cities. Waste is
6 waste, but now it's not waste.

7 It certainly works well for the landfill
8 operators, because they're not reducing their revenues.

9 But it doesn't work well for what the purpose of
10 AB 939 was for. It doesn't save landfill space. It doesn't
11 create a better environment. And it certainly doesn't
12 answer recycling needs.

13 I would hope that you would opt for Proposal No.
14 1. However, based on comments by various Board members I
15 think that your decisions are fairly well made.

16 And I appreciate the opportunity to speak to you
17 today.

18 BOARD CHAIRMAN HUFF: Any questions?

19 Thank you.

20 Rick Best.

21 He had a lot of time to fill out a form this time.

22 MR. BEST: Thank you, Chairman Huff and members of
23 the Board.

24 I appreciate the opportunity to speak here today.

25 Rick Best with Californians Against Waste.

1 To begin with I wanted to first address a couple
2 of the questions that were posed during the day thus far
3 today.

4 While I'm not here to speak on behalf of the City
5 of LA I have spoken to in regards to the question of their
6 hauling of green material to distant compost sites that
7 their prices for that service range from zero dollars a
8 tons, which doesn't include the transportation cost, to
9 another contract which is \$29 a ton at the transfer station.
10 And I'm told that that cost includes the transportation of
11 that material to the compost site as well as the composting
12 operation.

13 So I would certainly encourage the Board, if this
14 is an issue to be looked into, to address this with the City
15 of Los Angeles.

16 After having testified on this issue for almost a
17 dozen times I think it's really surprising that whereas we
18 tried to reach a consensus a year and a half ago we're
19 basically now, the Board is faced in the original situation
20 of having to decide whether ADC is recycling and gets
21 unlimited, or as we say, some unrestricted credit as it
22 relates to jurisdictions, or not recycling and not eligible
23 for any jurisdiction, not eligible for credit for any
24 jurisdiction.

25 I can certainly recognize the Board's difficulty

1 in the situation and not wanting to offend either
2 constituency, that is the local governments and landfill
3 operators on one side or the composting and the
4 environmental community on the other.

5 And it's for this reason I think it's appropriate
6 for the Board to seek legislative authority for the policy
7 that was already adopted by this Board last year in December
8 of 1993.

9 Let me first back up in the context of where we
10 feel why it's needed for a legislative authority.

11 We have consistently said from the start that we
12 do not feel that ADC is source reduction recycling or
13 composting.

14 While I can appreciate that the constructive AB
15 939 is now disposal reduction, it is disposal reduction
16 through source reduction recycling and composting.

17 And that because ADC is not those activities it
18 needs to be addressed if it's going to get diversion credit
19 in another way.

20 And similar to the transformation allowances that
21 are already in statute that disposal -- that ADC credit
22 should be addressed in the same manner.

23 Now before the Board is a proposed policy which
24 would allow unlimited credit based on the functional use
25 requirements of the landfill.

1 While certainly piling up that the policy would
2 not be unlimited in the sense of people wouldn't be allowed
3 to pile three feet, it is unlimited in the sense of local
4 governments are allowed to use as much material as they can
5 find availability to use it for in the landfill.

6 The assumption has been that this policy would
7 achieve the same results as the Board's original seven
8 percent policy, but I think there's several key components
9 that are missing.

10 The first is I want to address is the issue of how
11 the seven percent cap from the original policy relates to
12 the numbers that were presented by staff.

13 My understanding is that on the staff analysis
14 that the tonnage used is 510 pounds per cubic yards. My
15 understanding is that is an uncompacted density of material.

16 So consequently the six inch, 12 inch and 18 inch
17 scenarios that are proposed are based upon the 510
18 uncompacted densities.

19 However, the LEA advisory requires at least six to
20 18 inches of compacted material.

21 So I guess my question is in the staff analysis
22 they suggest that there may be some sort ratio of 18 inches
23 of uncompacted to six inches of compacted. I mean, there's
24 no definite answer in the staff analysis.

25 But I asked that question as to what is the

1 ultimate impact?

2 Because if LA San District, which has told me that
3 they use 12 inches of compacted ADC material, that the staff
4 scenario is based upon six inches of compacted ADC.

5 So it seems that those numbers would be then be
6 doubled in that sense.

7 BOARD VICE CHAIRMAN CHESBRO: Can we -- you
8 mind --

9 BOARD CHAIRMAN HUFF: That's an important point.
10 We need a clarification.

11 BOARD VICE CHAIRMAN CHESBRO: Do you mind if we
12 ask staff to respond?

13 MR. BEST: Sure.

14 BOARD VICE CHAIRMAN CHESBRO: Or do you want to
15 complete your --

16 MR. BEST: No. I mean they can --

17 MR. SITTS: John Sitts with the Waste
18 Characterization and Analysis Branch.

19 The numbers that we used were 510 and that was
20 uncompacted.

21 However, it's in the numbers that Los Angeles
22 Sanitation District I think uses about 700.

23 So we're pretty close to in the same range.

24 When we're talking about compacted 18 inches
25 shrinking, we're talking about when you have layer upon

1 layer of garbage on top of it, so that it will compact it
2 even further.

3 When you work it and apply it to the working face
4 we used 510 because while that will be compacted somewhat by
5 machinery it will not be compacted to the same extent as
6 having another 20 or 30 feet of solid waste on top of it.

7 BOARD CHAIRMAN HUFF: And a further answer to
8 Mr. Best's point is that the regulations, the LEA advisory
9 and ultimately the regulations on ADC can certainly be very
10 specific in terms of this point; can't they? I mean, it's
11 just numbers; right? Numbers as to what this Board feels is
12 the safest, most environmentally protective practice at a
13 landfill over which we have complete and total authority
14 under the law.

15 Am I right, Counsel?

16 MR. BLOCK: Yes.

17 BOARD CHAIRMAN HUFF: Oh, I love it.

18 BOARD MEMBER RELIS: Point of clarification.

19 Would, I think for me I'd like to know if the
20 discussion we're having here, how does that reflect on, say,
21 the Scenario 3 numbers? Those still hold? Or because
22 that's really what we're after here.

23 BOARD CHAIRMAN HUFF: Yeah. I think my comments
24 were along the lines of we can make those numbers hold by
25 the way we write it.

1 MR. SITTS: And I think we're in that, as far as
2 tonnages, we're in the ballpark.

3 BOARD MEMBER RELIS: Okay. Thanks.

4 BOARD CHAIRMAN HUFF: But Mr. Best is correct, we
5 have to write it the right way.

6 MR. BEST: And my concern is that based upon my
7 understanding of the strict LEA advisory requirement of six
8 inches of uncompacted soil, as many folks have testified
9 already today, I mean, you can drive over materials as much
10 as you want and compact the material more.

11 What sort of limitations are in terms of how much
12 you are ultimately going to pack into that six inches or
13 whatever it is?

14 BOARD MEMBER RELIS: I think just one observation,
15 without -- I mean there are certain functional realities, I
16 think, of running a landfill. There's a function of how
17 much you could conceptually cram into that number and
18 there's the other about you're running a landfill you only
19 have so much time to process materials. So it's, I think,
20 there's some practical realities that come to bear that are
21 larger than cranking --

22 BOARD CHAIRMAN HUFF: I think that's true, but we
23 certainly can write the LEA advisory, we can write the
24 regulations so that they are very clear as to what we think
25 is appropriate in the usage of alternative daily cover at a

1 landfill in order to achieve the results that alternative
2 daily cover is supposed to achieve.

3 And we can make sure that that rate of coverage,
4 because that's been a concern of mine, I don't want to see
5 somehow three feet of alternative daily cover be called
6 something that it isn't. Okay.

7 And Mr. Best suggests that there is a
8 vulnerability there and I'm responsive to that
9 vulnerability, but I think it can be answered in writing.

10 MR. BEST: I guess one point of clarification is
11 you mentioned the 700 and something ton, pound per cubic
12 yards. Is that one example or is that a general statement
13 in terms of, you know, what landfills typically compact the
14 green waste material to?

15 MR. SITTS: That was one example that was used by
16 the LA Sanitation District.

17 Our number was actually based on the Board had a
18 conversion factor study that was carried out a few years ago
19 by Cal Recovery and we had a variety of different materials.

20 With any conversion factor you've got variability
21 based on moisture content, different materials making up
22 that material, so you can't pick one perfect number, but we
23 think that 500 --

24 BOARD MEMBER RELIS: But our numbers were based on
25 a study, not actually a specific landfill, because I

1 remember that Cal Recovery. They did compaction analysis of
2 paper and other material as well; correct?

3 MR. SITTS: They did a wide variety of materials
4 and under different circumstances; yes.

5 BOARD CHAIRMAN HUFF: It was a scientific study.

6 MR. SITTS: Yes.

7 And they also did a literature survey and other
8 types of surveys.

9 BOARD CHAIRMAN HUFF: Just in case OAL reads this.

10 MR. SITTS: Yes.

11 BOARD CHAIRMAN HUFF: It was a scientific study
12 for which we paid good money and we were happy with the
13 result and they did all the right methodology and literature
14 search and navel contemplation that these things involve.

15 MR. SITTS: And the report was approved by the
16 Board before; yes.

17 MR. BEST: Well, I would appreciate seeing how the
18 Board is ultimately able to write that into the LEA
19 advisory.

20 I think a related question, though, or related
21 issue is that I don't think we can simply compare the seven
22 percent original policy to the five percent numbers that are
23 currently suggested, because of a number of reasons that not
24 all jurisdictions were going to use the seven percent policy
25 that was originally adopted and that there was the

1 requirement in the original policy that jurisdictions had to
2 demonstrate that they were pursuing other diversion
3 alternatives for procurement programs and market development
4 efforts, so that there were limitations on the number of
5 jurisdictions which actually could take advantage of that
6 seven percent policy.

7 BOARD CHAIRMAN HUFF: You're right. But you're
8 the first one who remembered it and said it.

9 I was very careful in how I phrased it, because
10 you see we adopted the seven percent solution in advance of
11 knowing how many people would seek it. We didn't know but
12 what maybe everybody would. We didn't know but what maybe
13 everybody would meet all of those qualifications and
14 everyone still seeks seven percent.

15 So that's why I said, and I think correctly, that
16 the potential when we adopted the seven percent solution was
17 three million tons of usage potentially.

18 MR. BEST: Sure.

19 In addition to the practical issue in terms of the
20 numbers that I would like to see addressed I think there's
21 three major policy issues which we have concerns about in
22 terms of the CRRC proposal.

23 First of all, as we see it this policy does not
24 make distinction between composting and the use of
25 alternative daily cover.

1 As we have said throughout the discussions on this
2 issue we feel it's imperative that the Board in adopting a
3 policy recognize a hierarchy and that the Board's original
4 policy in terms of establishing the seven percent limitation
5 and in terms of requiring jurisdictions to pursue these
6 market developments and diversion alternatives, that that
7 established, at least in our minds, some means of
8 recognition of the hierarchy.

9 We would certainly like to have seen it stronger
10 in the original ADC policy.

11 But frankly the CRRC -- but I should say just the
12 policy that's up for discussion, doesn't make any
13 distinction in that regards.

14 Second, the policy doesn't include a sunset as was
15 originally proposed. That sunset was an important criteria
16 I think for the composters and for us in a recognition that
17 alternative daily cover was not intended to be long-term
18 solutions for organics in California and that the Board
19 could evaluate this policy at a later date.

20 I understand that because of the OAL decision the
21 Board is now forced away from being able to make that
22 decision and that is why we are recommending that the Board
23 seek a legislative authority for that.

24 And the third issue is that the policy is landfill
25 based rather than jurisdiction based.

1 Consequently, jurisdictions that are near a daily
2 cover program would be able to send all of the green waste
3 material to that, whereas -- and consequently not have the
4 advantage or the benefit of the local composting program.

5 Finally, in closing I'd simply like to say that
6 ADC -- if ADC was simply about preserving landfill space
7 then I think the Board's ADC policy would make sense.

8 Indeed, probably other operations like the bale
9 fill operation in Sacramento City Landfill or geosynthetic
10 blankets used as daily cover, all those activities should be
11 recognized as disposal reduction.

12 But the fact is AB 939 was based upon resource
13 conservation. It specified that communities not only must
14 reduce disposal, but they must do it through source
15 reduction, recycling and composting.

16 And it establishes a hierarchy that recognized
17 that resource conservation perspective.

18 Number of jurisdictions, excuse me, other states
19 have raised issue with us in terms of what is the ultimate
20 impact this will have on other states' view of recycling and
21 the integrated waste management hierarchy that other states
22 have established.

23 And I think it's imperative that the Board
24 recognize that this is indeed precedent setting and unlike
25 other states have done.

1 While we may disagree on the specific policy, I
2 don't think anyone can dispute the goals of AB 939.

3 In discussion I haven't heard anyone suggest that
4 composting is a bad thing. In fact a number of folks have
5 made the point that it is.

6 But I think rather than simply pay lip service to
7 that I think it's imperative that the Board establish that
8 priority in this policy.

9 And if in order to do that the Board needs to seek
10 legislative authority to craft such compromise, then I
11 believe that's the most responsible path to take.

12 Thank you.

13 BOARD CHAIRMAN HUFF: I know that there are
14 questions, but I want to respond to the legislative issue.

15 I'm not against the Legislature resolving this
16 issue. I'm just not optimistic that they're going to do it
17 quickly, if at all.

18 It did take them two months to choose the Speaker.
19 And some would think that they made the right choice.

20 BOARD VICE CHAIRMAN CHESBRO: Others.

21 BOARD CHAIRMAN HUFF: Others would think that the
22 choice that they made might provoke such a reaction as to
23 further impede or impair the passage of legislation such as
24 you suggest, Rick.

25 And I really wonder how many bills are ever going

1 to come out of the Assembly now.

2 But let's assume that a bill does come out of the
3 Assembly, that's okay.

4 But I don't think that we can put all our eggs in
5 that basket. I don't think we can just say, uh, it's got to
6 be the Legislature now. We tried and that's it.

7 I think that we have to keep faith with local
8 governments in this state and try to fashion something else
9 and if the Legislature comes along and says, no, time out,
10 guys, you got it wrong, it should be disposal, it shouldn't
11 be disposal, it should be seven percent, good for them.

12 I'll embrace it. Okay. I'll embrace whatever the
13 Legislature ends up passing and getting a signature on.

14 But until that happens I feel duty bound, honor
15 bound to proceed with something.

16 MR. BEST: I don't think the Board has to indicate
17 to local governments that it's gone back on its ADC policy.

18 I think the Board can readily affirm that it
19 believes that the ADC policy was within its authority and
20 it's the Board's policy in terms of wanting to enforce that.

21 The Board is not going to be looking at enforcing
22 939 in terms of the disposal reduction numbers until 1996,
23 after all these numbers are collected.

24 And so I don't think the Board has to be sending a
25 signal to local governments that they're not going to be

1 getting any credit for this material.

2 So I can understand your concern in terms of how
3 fast the Legislature is going to act on this issue, but I
4 can tell you from our perspective we are certainly willing
5 to support a legislative compromise on this issue.

6 And I don't think local governments have to feel
7 that as a result of that process they would be getting no
8 credit at all from that alternative.

9 BOARD MEMBER EGIGIAN: Mr. Chairman.

10 BOARD CHAIRMAN HUFF: Yes, Mr. Egigian.

11 BOARD MEMBER EGIGIAN: I'd like to ask Mr. Best,
12 he was talking about the seven percent in the hierarchy.

13 Can you tell me what you're meaning by this?

14 MR. BEST: Well, as was stated in a number of the
15 examples that have been given, there are a number of
16 jurisdictions which generate, well, probably most
17 jurisdictions generate more green waste material than the
18 seven percent would allow.

19 So the seven percent at least provides a
20 limitation in terms of saying that some of that material
21 would go to alternative daily cover, but some of that
22 material has to be directed towards composting and other end
23 uses.

24 BOARD MEMBER EGIGIAN: We have been told that we
25 can't do that seven percent. So how can we use that any

1 further?

2 Today we're meeting on possibility of clearing the
3 picture and not to establish more regulations.

4 And I think what you're proposing here will
5 require more legislation and more work to impede the
6 progress of people in the private enterprise area as opposed
7 to helping them along.

8 And so this is why I wanted to know what you were
9 referring to.

10 And I thank you for your answer.

11 BOARD MEMBER RELIS: Mr. Chair.

12 BOARD VICE CHAIRMAN CHESBRO: Yes.

13 BOARD MEMBER RELIS: I think Mr. Best makes a very
14 good point on the -- that the proposal by CRRC is neutral,
15 doesn't speak to the earlier action that the Board took,
16 which established a policy orientation towards looking at
17 composting, which I've long felt, I've felt very strongly on
18 this, is the preferable means of dealing with green waste.

19 I've -- I think that's real recycling in the
20 letter and spirit the way AB 939 reads to me.

21 And that our Board should give primary emphasis to
22 seeing that the vast majority of green waste in California
23 is composted.

24 I'll just add a few other things that I wanted to
25 say in that regard.

1 I think I'm also aware that implementing 939 is
2 what we keep referring to here, a shared responsibility with
3 local government. It's a partnership that we've been trying
4 to build here and I think our compost regulations and the
5 discussion earlier I think spoke well to that.

6 We have received an avalanche of letters and
7 comments here today favoring credit for ADC.

8 And this Board has previously, as we discussed,
9 established a seven percent credit.

10 Were we to give no credit I think this would be a
11 breach with our previous action.

12 We're caught in a bind.

13 Many locals see ADC as critical, as a critical
14 complement to composting. Some maybe not. But I think some
15 are looking at it as if you put in place a clean green or a
16 green collection system, that's a major part of the cost of
17 putting in a composting system. That's the whole collection
18 infrastructure.

19 And I don't want to stop that part. I think
20 that's really critical to our endeavors here.

21 So what I'd like to hear from the Board, though,
22 in this regard is we're in the very early stages of compost
23 development. We're heard that from CORC. We've heard it
24 from others.

25 We need an aggressive compost development effort

1 here., We have started with some demonstration projects. We
2 have begun our procurement efforts.

3 But I think what the environmental community, if I
4 read it right, wants to hear is that there's a real
5 commitment by this Board to pursue compost development, that
6 whatever we do on ADC is viewed as what's related to ADC.
7 That has nothing -- that is not the compost agenda of the
8 Board.

9 And I feel that Mr. Best and CAW have raised a
10 very legitimate point that this Board needs to address in
11 this issue here today.

12 And I would want to see Board discussion in a
13 motion and otherwise that will indicate a strong commitment
14 for compost in every which way, financially and
15 demonstrations, in our deployment of staff resources, in our
16 procurement efforts.

17 Because without this we could not in good faith, I
18 think, look at the higher diversion numbers and achieve
19 them.

20 So I'll stop there and I have more to say later.

21 MR. BEST: In reference to that, I think what you
22 said is exactly our concern. And I think it's characterized
23 by the fact that, you know, if you look at the some of the
24 numbers that were thrown out in terms of cost, that it was
25 raised by a number of folks that folks don't want to have to

1 subsidize the composting infrastructure.

2 What we're saying is that we're looking at
3 comparing composting of, you know, a cost that has ranges
4 from \$15 a ton to \$40 a ton, being compared to I think a
5 very cheap disposal alternative of \$8 a ton.

6 And that when you're looking at that situation we
7 don't describe that as subsidizing composting, because
8 composting is I think in many cases very comparable to the
9 cost of landfilling.

10 We're looking at it having to compete with an
11 artificially discounted disposal alternative of alternative
12 daily cover.

13 And so we're not looking for composting to have to
14 be subsidized to the extent that it's an unreasonable,
15 uneconomic measure.

16 What we're saying is simply recognize that
17 composting is a legitimate and cost effective relative to
18 landfilling alternative and that we need to establish
19 policies which will encourage that and not have it simply go
20 to the least cost disposal alternative.

21 BOARD CHAIRMAN HUFF: I think our tiered
22 permitting on composting takes a big step in that direction.

23 BOARD MEMBER RELIS: Mr. Huff, there is, and Board
24 members, there is one other perspective I just did want to
25 share and I know Mr. Best touched on it.

1 I received, the Chair received, rather, a letter
2 from the National Recycling Coalition, has been involved in
3 this issue for many years and --

4 BOARD MEMBER EGIGIAN: Use the mike.

5 BOARD MEMBER RELIS: The Chair and I think Board
6 members received a letter from the National Recycling
7 Coalition dated January 24, which does underscore the fact
8 that the direction we're taking in here in California, if we
9 take this direction, is unique in the country. Many states
10 have not traditionally allowed green waste to be viewed in
11 the way that it's being contemplated here.

12 So there is concern nationally.

13 There is concern, I think, that in from the
14 environmental community that the Board do not lose its
15 resolve and focus on the big picture, which is compost
16 development.

17 So I just share that for purposes of bringing this
18 to a head.

19 BOARD CHAIRMAN HUFF: Okay. Anything else?

20 MR. BEST: No.

21 BOARD CHAIRMAN HUFF: Any other questions of
22 Mr. Best?

23 Thank you.

24 Anyone who failed to fill out one of these pieces
25 of paper? Now is your chance.

1 Okay. Board members, we have an item here.

2 Mr. Egigian.

3 BOARD MEMBER EGIGIAN: Mr. Chairman, I, in
4 listening here a number of hours here, and I've always been
5 a free market individual and I'm hearing areas here where
6 we're being told to protect an industry that is just
7 starting to get going and to make sure that they have enough
8 feedstock so when they finally get going and find out
9 whether they have a viable business or not that they have
10 the feedstock to pull from.

11 I've heard a lot of reports here that everybody
12 says it's a good thing and the way it's going to happen.

13 And I don't see the composting industry in any
14 jeopardy at all. I think the feedstock is going to be more
15 than enough.

16 And in fact if some of the composting people that
17 I'm talking to get their way they're going to call it
18 compost and really be a landfill. They want to charge to
19 get this material in there and then try to make it into some
20 usable product.

21 I don't go along with a lot of people are in this
22 particular vein of thought, but I've heard it said that this
23 is the way to do something without a full permit.

24 I have to say, Mr. Chairman, that the time that
25 you're giving to these very important items that we have

1 discussed today is more than sufficient and I think that
2 everybody had a say so.

3 If the Chair is ready, I'd like to move that we
4 accept option for Board action 2-A.

5 BOARD CHAIRMAN HUFF: Motion is in order.

6 Is there any discussion of the motion?

7 BOARD VICE CHAIRMAN CHESBRO: Yes, Mr. Chairman.

8 I'm trying to decide whether to make a substitute
9 motion or allow this one to go forward.

10 BOARD CHAIRMAN HUFF: You'll get to the same place
11 if you allow it to go forward. Whatever your choice is.

12 BOARD VICE CHAIRMAN CHESBRO: Then come up with
13 second motion.

14 I have concerns with this particular motion. It
15 gets -- it's got some of the components of what I'd like to
16 see in it, but it doesn't have everything in it that I would
17 like, so.

18 If the motion goes forward as stated I'll be
19 voting against it, not because I'm not trying to bring
20 resolution, because I think we need it.

21 BOARD CHAIRMAN HUFF: It might actually be helpful
22 in bringing a resolution.

23 I've heard that logic before.

24 Is there anyone else?

25 Ready for a roll call.

1 Motion is Option 2-A as specified in the Board
2 packet.

3 Call the roll, please.

4 BOARD SECRETARY KELLY: Board Member Chesbro.

5 BOARD VICE CHAIRMAN CHESBRO: No.

6 BOARD SECRETARY KELLY: Egigian.

7 BOARD MEMBER EGIGIAN: Yes.

8 BOARD SECRETARY KELLY: Gotch.

9 BOARD MEMBER GOTCH: No.

10 BOARD SECRETARY KELLY: Heidig.

11 BOARD MEMBER HEIDIG: Yes.

12 BOARD SECRETARY KELLY: Relis.

13 BOARD MEMBER RELIS: No.

14 BOARD SECRETARY KELLY: Chairman Huff.

15 BOARD CHAIRMAN HUFF: Aye.

16 It's 3-3.

17 You want to try one, Wesley?

18 BOARD VICE CHAIRMAN CHESBRO: Mr. Chairman, I
19 think that there have been some accurate criticisms on
20 various sides of what we did previously, never claimed it
21 was perfect.

22 I continue to be upset with, as I said earlier,
23 with the method and the premise, with the method of
24 rejecting by OAL and the premise that they used in rejecting
25 it.

1 I do think that there's opportunity here to, for
2 us to accomplish much of the same thing, perhaps in a way
3 that removes some of the concerns that have been expressed
4 about the existing Board policy.

5 And I have to say that CRRC and Mr. Edgar have
6 moved the discussion along somewhat in terms of a lot of the
7 work they've done, along with the very excellent staff work
8 that has gone into this.

9 What's become apparent to me is that all of the
10 pilot projects to date that have been approved have been
11 operating with maximum limits of 12 inches of actual ADC use
12 and that seems to be working.

13 If we were to place a limit of 12 inches on all
14 pilot projects we would meet the needs of landfills, allow
15 ADC use to receive credit based on landfill use, without us,
16 as it's been called today, micromanaging the local
17 government's credit questions. Excuse me, disposal
18 reduction questions.

19 And also provide for a range of diversion credit
20 of approximately, and this is a statewide number, this is
21 not as applied to jurisdiction, of from 3.2 percent to 9.7
22 percent, depending on which of the scenarios you believe is
23 most likely to come true.

24 And I haven't heard arguments that have convinced
25 me that 12 inches is not adequate.

1 And so on that basis I'm going to piece a motion
2 together here.

3 I would like to move Option 2-B with some changes.

4 Basically to read, ADC is determined to be
5 diversion and is limited and monitored by landfill based
6 performance standards upon completion and approval of a
7 successful demonstration project.

8 That we establish a -- it is the policy of the
9 Board, and indicate this through a further LEA advisory,
10 that ADC use be limited to 12 inches.

11 And that we would direct staff to prepare a draft
12 ADC minimum standard regulations to reflect that.

13 And also that we direct staff to revise the
14 disposal reporting regulations as appropriate.

15 In addition to that, these are slightly different
16 angle on what Mr. Relis has been trying to get at. It's
17 more from a local assistance perspective. We would direct
18 that the Office of Local Assistance in their review of SRRE
19 implementation of cities and counties look at what effect
20 ADC is having on implementation of composting programs
21 identified in the SRREs.

22 That's not jurisdiction specific. That's a sort
23 of a statewide perspective.

24 So we're not putting it as a condition. We're
25 not -- we're trying to get away from this micromanaging that

1 people are talking about, and we're going to review the
2 larger picture as we review SRREs, what impact ADC, if any,
3 is having on composting.

4 Secondly, that the Board staff closely monitor
5 implementation of ADC statewide and regionally and what
6 effect ADC is having on composting and report back to the
7 Board on those impacts for a public review and discussion in
8 one year or as information becomes available in the annual
9 reports.

10 And, third, this language is directly lifted from
11 the previous policy, and we negotiated long and hard over
12 this, it has to do with maintaining our commitment to
13 composting and market development. This is word for word
14 identical.

15 That the Board reiterates its intent to expand
16 markets for compost and other recycled products.

17 Actually, I added -- no. It's not word for word.
18 I take that back.

19 It previously read to expand markets for recycled
20 products and I changed it to say compost and other recycled
21 products.

22 By encouraging market conditions in which
23 secondary materials generated in California are efficiently
24 recycled into high-quality, value added products.

25 BOARD CHAIRMAN HUFF: I'm for that.

1 BOARD VICE CHAIRMAN CHESBRO: So that's a
2 reiteration of our previous statement.

3 Now, I'm also open from the standpoint of the
4 Market Development Committee Chair's concerns to additional
5 language regarding recommending our commitment to
6 composting.

7 BOARD MEMBER RELIS: Could I get a point of
8 clarification on your motion?

9 BOARD VICE CHAIRMAN CHESBRO: Sure.

10 BOARD MEMBER RELIS: One of the -- you said -- one
11 concern I might have there is with the question of a
12 reporting back. I mean, in one sense we either have to make
13 a decision and then if there's going to be a legislative fix
14 on this let that be or not. I mean there's the implication
15 there that we'd somehow review annually.

16 I'm not sure that we can really do that.

17 BOARD VICE CHAIRMAN CHESBRO: The intent is not to
18 leave the question open ended, but rather to perhaps be
19 monitoring to what degree we need to be working on the
20 composting situation and be aware of what's going on out
21 there and we have a discussion about that, from a
22 informational standpoint and whether any additional policy
23 focuses need it or not. But I think once we establish a
24 policy here --

25 BOARD MEMBER RELIS: I'd be content more to get

1 our policy and our resources out there commitment, but I
2 don't want to leave a cloud over the issue. I think we
3 should really either do it or not.

4 If we're establishing a framework that says we
5 have support in the Board for compost development, surely
6 we're going to be watching this as we watch many issues.

7 And that would be my only reservation.

8 BOARD VICE CHAIRMAN CHESBRO: You would want to
9 replace those first two with something that's more oriented
10 towards the commitment --

11 BOARD MEMBER RELIS: Yes. Yes. Because I think
12 that speaks to the immediate need and the fact that we're
13 go -- I would certainly think in Market Development we're
14 going to continue to monitor the development of the market.

15 BOARD VICE CHAIRMAN CHESBRO: Let's hear what you
16 would want to do in terms of --

17 BOARD CHAIRMAN HUFF: Why don't you think about it
18 a second.

19 BOARD MEMBER HEIDIG: Mr. Chairman.

20 BOARD CHAIRMAN HUFF: Yes.

21 BOARD MEMBER HEIDIG: I would be inclined to
22 support most of the motion on 2-B, but from what I
23 understand, this issue was resolved by this Board December
24 1993, and the baby was kind of cut in two.

25 BOARD CHAIRMAN HUFF: Yep.

1 BOARD MEMBER HEIDIG: And OAL didn't like the
2 surgery.

3 And here we are again with a staff report that
4 says there would be very little difference, I'm reading from
5 page three, there would be very little difference in
6 landfill space used between 18 inches of green material and
7 six inches of soil.

8 And as I understand the industry practice is six
9 inches of soil as daily cover.

10 And it looks like we are splitting the baby again
11 between 6 and 18 inches of green material.

12 BOARD VICE CHAIRMAN CHESBRO: I think the argument
13 is that if you're putting more back into the landfill than
14 you need to meet the requirements then it's very difficult
15 to call that recycling.

16 And if in fact all of the effort and the pilot
17 projects to date has indicated that 12 inches is functioning
18 effectively then we are in essence trying to find some way
19 of saying that the use up to a certain point is in effect
20 recycling.

21 And it's use we are talking about. It's credits.
22 We've gotten away from that previous approach which said
23 we're going to deal with credit.

24 It's consistent with CRRC from that standpoint.
25 It just instead of it being a range up to 18 inches it says

1 12 inches.

2 BOARD MEMBER EGIGIAN: Mr. Chairman.

3 BOARD CHAIRMAN HUFF: Yes, Mr. Egigian.

4 BOARD MEMBER EGIGIAN: I'd like to first say
5 something to Mr. Chesbro.

6 You've come back and you say that you don't want
7 to micromanage and then you put three paragraphs of
8 conditions that you want to attach to it about reporting and
9 these other things that we're going to do.

10 I'd like to ask our legal staff how are either one
11 of these motions that were made going to be accepted by OAL
12 based on what they told us about the first move that we made
13 on this?

14 Can you give us an idea?

15 MR. BLOCK: When you say either one of the motions
16 you mean 2-A, which was the --

17 BOARD MEMBER EGIGIAN: Yes.

18 MR. BLOCK: And the 2-B?

19 Based on my discussions with OAL either option
20 would be approvable as within the authority of the Board,
21 because again these options deal with limits on actual use
22 at the landfill determining what in fact is truly
23 alternative daily cover used as alternative daily cover,
24 which is different than the previous policy.

25 This applies to the landfill. The previous policy

1 applied to jurisdictions. And that's --

2 BOARD MEMBER RELIS: So there is no problem?

3 MR. BLOCK: I don't foresee any problem with
4 either of those in terms of OAL.

5 BOARD MEMBER EGIGIAN: What would Mr. Chesbro's
6 motion do to the amount of material going into a landfill as
7 ADC?

8 MR. BLOCK: That's not a legal question, but I
9 believe it's the difference between those two lines on the
10 chart, 18 inches versus 12 inches.

11 BOARD CHAIRMAN HUFF: Let me take a stab at an
12 answer.

13 If you look at the chart, you either look at the
14 chart on page five or you can look at the chart at page
15 Attachment 2-A. Either one has the same numbers. 2-A is
16 just more expansive.

17 The fact of the matter is is that Mr. Chesbro's
18 motion under Scenario 1 would, if fully implemented, that is
19 if every landfill out there who could use alternative daily
20 cover uses it, and we've heard that that's not likely
21 because some landfills create dirt in order to expand the
22 capacity. Okay. But if every landfill out there would make
23 use of alternative daily cover it would result in 4.24,
24 4.237 million tons of material being utilized in that
25 manner.

1 Under Scenario 2 it would result in 2.1 million
2 tons of material being used as alternative daily cover.

3 And the difference between the two scenarios is
4 small facilities which are going to be closing because of
5 Subtitle D and blankets which are used in some facilities
6 will impact the amount of tons that can be used.

7 If Scenario 3 is the scenario, and staff believes
8 Scenario 3 is the most likely scenario, Scenario 3 figures
9 that not only are the small landfills out of the picture,
10 the blankets are in the picture, but you have a variety of
11 other alternative daily cover proposals and so that green
12 material usage shrinks even more and you end up with 1.4
13 million tons.

14 So we don't know which scenario is going to happen
15 in the real world.

16 Staff figures that Scenario 3 is the most likely.

17 I would point out that when in December of 1993
18 when this Board adopted the seven percent solution the
19 maximum implications of the seven percent solution was three
20 million tons of material being used and we are hearing here
21 that the most likely is that only 1.4 would be used.

22 So I think this really sort of tightens up what we
23 proposed before and for that reason I'm a little skeptical
24 of it.

25 BOARD MEMBER EGIGIAN: I would like to be more

1 specific.

2 What does this do to the people that wrote letters
3 in here that are in the Southern California basin asking
4 for -- other than what is being said here -- how is this
5 going to change what County San District is able to do with
6 the green waste?

7 BOARD VICE CHAIRMAN CHESBRO: Not at all. None at
8 all that I'm aware of, because --

9 BOARD MEMBER EGIGIAN: Then if it stays at the
10 seven percent --

11 BOARD CHAIRMAN HUFF: No; it doesn't. It doesn't
12 stay at the seven percent.

13 BOARD MEMBER EGIGIAN: That's what I'm asking.

14 BOARD VICE CHAIRMAN CHESBRO: The percentage I
15 threw out there was a statewide number.

16 BOARD CHAIRMAN HUFF: You see, the seven percent
17 is dead.

18 What is going to replace it is not going to be
19 based on each jurisdiction.

20 Under Mr. Chesbro's motion, under your motion,
21 either one, a jurisdiction conceivably could get 25 percent.

22 BOARD VICE CHAIRMAN CHESBRO: Or even 50.

23 BOARD CHAIRMAN HUFF: Or even 50.

24 But it won't be very many of them, which -- that's
25 what Dave Hardy pointed out for us.

1 Whoever gets to the landfill and cuts the deal and
2 has the alternative daily cover and the material appropriate
3 for alternative daily cover is going to have that material
4 used for that purpose, and the others, when the landfill
5 uses as much alternative daily cover as it needs, it doesn't
6 need any more and anyone else with this material they aren't
7 going to go send it to the landfill as alternative daily
8 cover.

9 BOARD MEMBER EGIGIAN: What you're telling me is
10 what these people are asking in these letters, we're saying
11 yes to them?

12 BOARD CHAIRMAN HUFF: We're saying yes to them and
13 they're asking for this because they feel lucky.

14 BOARD MEMBER EGIGIAN: You think they feel lucky?

15 BOARD CHAIRMAN HUFF: I think they feel lucky.
16 They think that they will be able to get their material to
17 the landfill and have it used as alternative daily cover in
18 excess of this seven percent and that they will ace out
19 their competition.

20 And that's why I suggested to Dave Hardy that this
21 actually will have a beneficial impact on the market for
22 green material because it makes it a market commodity.

23 Either your motion or Mr. Chesbro's motion does
24 that. Your motion does it more than his.

25 BOARD MEMBER EGIGIAN: Well, you made a statement

1 that the 1993 we went all over this and we made a mistake.

2 I don't want to make a mistake again by certain
3 limitations and certain directions that we're going to give
4 to the cities in the way they do this as far as increasing
5 their cost of handling this by studying this, keeping more
6 records, coming back to us later on and then Wesley might
7 feel stronger that day. He might pitch for something more
8 than is right here.

9 So I don't think that, you know -- I'd like to
10 hear from --

11 BOARD CHAIRMAN HUFF: Mr. Edgar.

12 MR. EDGAR: Mr. Chairman.

13 I need a second chance so I don't get a third
14 strike on getting four votes.

15 So here it goes.

16 On 2-B Mr. Chesbro has a good proposal, good
17 recommendation and to limit it to 12 inches.

18 I believe that the reports I submitted on soil
19 displacement says 12 inches is reasonable and acceptable.

20 The only thing I'd like to point out is that it
21 starts at the initiation of the green material project.

22 So at the beginning of the demonstration project
23 using green material for ADC is when we can start counting
24 it for disposal reduction.

25 The reason I say so is that 1995 is here now.

1 That achievement goal of 1995 started this month.

2 We have many communities ready to start this. 25
3 percent by '95 is here.

4 So if I may suggest an option to Mr. Chesbro's
5 recommendation to go with 2-B with 12 inches at the
6 beginning of an initiation of demonstration project.

7 BOARD MEMBER EGIGIAN: Would you go for that,
8 Mr. Chesbro?

9 If you do I'll go along with your motion,
10 otherwise I'm going to vote against it.

11 BOARD VICE CHAIRMAN CHESBRO: Okay. I still want
12 to have a discussion about the market questions.

13 BOARD MEMBER RELIS: Yeah.

14 BOARD VICE CHAIRMAN CHESBRO: I will accept that.

15 BOARD CHAIRMAN HUFF: Okay.

16 BOARD MEMBER RELIS: I have some language that I
17 would propose in terms of what did I intend about market.

18 I would read into the record, the Board reiterates
19 its intent to expand markets for collected green materials
20 by encouraging market conditions in which the green
21 materials generated in California are efficiently recycled
22 into high-quality, value added compost products.

23 Specifically, the Board reiterates its intent to
24 promote the use of compost products in agricultural,
25 horticultural and other applications and to demonstrate the

1 benefits of compost products used in these and related
2 applications.

3 That's it.

4 BOARD MEMBER EGIGIAN: What do you want to do with
5 that?

6 BOARD VICE CHAIRMAN CHESBRO: I'll also replace
7 the three that I had drafted with that one.

8 BOARD CHAIRMAN HUFF: Okay.

9 BOARD SECRETARY KELLY: When you say three --

10 BOARD VICE CHAIRMAN CHESBRO: Well, the --

11 BOARD CHAIRMAN HUFF: Mr. Chesbro had language
12 relative to having our Office of Local Assistance look at
13 the SRREs, on their impact, having some sort of -- my
14 shorthand said one-year review, and my third point, my
15 shorthand said -- you don't want to know what my shorthand
16 said.

17 BOARD VICE CHAIRMAN CHESBRO: Almost very similar
18 to what --

19 BOARD CHAIRMAN HUFF: Very similar to Paul's.

20 BOARD VICE CHAIRMAN CHESBRO: Except Paul's is
21 more focused specifically on composting --

22 BOARD SECRETARY KELLY: What he said replaces
23 those three?

24 BOARD CHAIRMAN HUFF: Yes.

25 BOARD SECRETARY KELLY: Okay.

1 MR. BLOCK: Mr. Chairman, clarification on couple
2 things.

3 BOARD CHAIRMAN HUFF: Five things, that's too
4 much.

5 MR. BLOCK: 12 inches would be just for green
6 material?

7 BOARD CHAIRMAN HUFF: Yeah.

8 BOARD VICE CHAIRMAN CHESBRO: We would establish
9 presumably as a result of information from pilot projects in
10 the future what the reasonable thickness would be for it.

11 BOARD CHAIRMAN HUFF: Yes.

12 MR. BLOCK: And the second one if the counting is
13 starting on the initiation of the project, is it linked to
14 eventual approval or not?

15 BOARD CHAIRMAN HUFF: I think it is.

16 BOARD VICE CHAIRMAN CHESBRO: Oh, yeah. If they
17 don't get approval of --

18 BOARD MEMBER RELIS: Then they don't get the
19 credit.

20 BOARD CHAIRMAN HUFF: Yeah.

21 BOARD VICE CHAIRMAN CHESBRO: Then that has to
22 change along the road if either the pilot project comes to
23 an end or they don't eventually get an amendment to their
24 permit saying what they're supposed to be doing there, then
25 it wouldn't be able to use it. They wouldn't be able to get

1 disposal reduction.

2 BOARD MEMBER EGIGIAN: Can we hear the full
3 motion, now, Mr. Chairman?

4 BOARD CHAIRMAN HUFF: 2-B with --

5 BOARD VICE CHAIRMAN CHESBRO: Or not to be.

6 BOARD CHAIRMAN HUFF: Yes. 2-B with Paul's words.

7 EXECUTIVE DIRECTOR CHANDLER: You might want to
8 refer to it as 2-A with 12 inches.

9 BOARD VICE CHAIRMAN CHESBRO: It becomes 2-A.

10 BOARD CHAIRMAN HUFF: Yeah. 2-A with 12 inches.
11 Same thing. And Paul's words.

12 BOARD VICE CHAIRMAN CHESBRO: And there was -- I
13 did have specific language about we've established 12 inches
14 as a policy, will be administered in couple of ways, a LEA
15 advisory and then proceeding with the, what are they called,
16 the ADC minimum standards regulations, which will reflect
17 that.

18 BOARD CHAIRMAN HUFF: That's good.

19 Yes.

20 MS. BOWCUTT: I have two concerns -- Tamara
21 Bowcutt with Yolo County.

22 I have two concerns regarding the 12 inches, one
23 of which you're already addressed, and that is how does that
24 apply other alternative daily cover products derived from
25 other wastes, and that would be developed on a demonstration

1 based project by project.

2 The 12 inches of successful ADC made out of
3 shredded green waste is in fact Yolo's case. So what you're
4 putting on the record is not a problem for me.

5 It's also the case with LA Sanitation District.

6 We have both conferred, and basically from a
7 climatic perspective we're the same, but we don't equal all
8 the landfills in the State of California.

9 And I think based on the successful demonstration
10 projects with 12 inches it would not fairly represent some
11 of the other landfills that operate in drier climates where
12 they may have to put it thicker to keep it moist enough to
13 control vectors or in wetter climates where they have to put
14 it thicker to keep infiltration out.

15 So I'm --

16 BOARD VICE CHAIRMAN CHESBRO: ADC is intended to
17 keep moisture out of the -- I didn't realize that was one of
18 the --

19 MS. BOWCUTT: Daily cover is intended to minimize
20 infiltration of rainwater. That's why there's been
21 discussion --

22 BOARD MEMBER RELIS: The way we're looking at this
23 is our best estimates statewide.

24 MS. BOWCUTT: I'm concerned that climatically 12
25 inches doesn't represent the state.

1 BOARD CHAIRMAN HUFF: I understand that.

2 I also understand that this state is so diverse
3 that it's pretty difficult to write ADC that works
4 everywhere.

5 And so for that reason I'm content with the
6 motion.

7 There are some unique circumstances in this state.

8 But we're talking about when we hit those
9 circumstances and we deal with alternative daily cover,
10 again this is a landfill-based regulation and it's going
11 to -- there are going to be some places that alternative
12 daily cover may not be appropriate in a landfill, period.

13 MR. BLOCK: As noted, the 12 inches again is based
14 on actual experience that the Board has had up until now and
15 those will be in ADC minimum standards regs and to the
16 extent that we get other information, actual factual
17 information, perhaps there could be some --

18 BOARD CHAIRMAN HUFF: That's right.

19 MR. BLOCK: -- alternative ways of dealing --

20 BOARD CHAIRMAN HUFF: Regulations --

21 MR. BLOCK: -- dealing with special circumstances.

22 BOARD CHAIRMAN HUFF: Think that they need to.

23 Yeah. Okay. Okay.

24 BOARD MEMBER EGIGIAN: Call for the question.

25 Roll call.

1 MR. MADDEN: Mr. Chairman, just a point of
2 clarification. I'm sorry.

3 Mark Madden.

4 I'm sorry. I didn't hear in terms of the
5 inception of the project, the demonstration project,
6 counting or not counting, is that all types of alternative
7 daily cover or is it just --

8 BOARD CHAIRMAN HUFF: Yes.

9 Roll call.

10 MR. MADDEN: Thank you.

11 BOARD SECRETARY KELLY: Board Member Chesbro.

12 BOARD VICE CHAIRMAN CHESBRO: Aye.

13 BOARD SECRETARY KELLY: Egigian.

14 BOARD MEMBER EGIGIAN: Aye.

15 BOARD SECRETARY KELLY: Gotch.

16 BOARD MEMBER GOTCH: My vote would be 2-B as
17 proposed, so therefore my vote is no.

18 BOARD SECRETARY KELLY: Heidig.

19 BOARD MEMBER HEIDIG: Aye.

20 BOARD SECRETARY KELLY: Relis.

21 BOARD MEMBER RELIS: Aye.

22 BOARD SECRETARY KELLY: Chairman Huff.

23 BOARD CHAIRMAN HUFF: Aye.

24 Motion carries, 5-1.

25 BOARD MEMBER RELIS: Mr. Chair, before we leave

1 this I just wanted to state that I'll be bringing back from
2 the Market Committee proposals when we get to contract
3 concepts for the compost development roll-out, the
4 demonstration, the continuation thereof and I hope that I'll
5 receive favorable support for that at that time.

6 BOARD CHAIRMAN HUFF: Okay. Are we ready to
7 rumble?

8 I have requests from no one to speak to Item 33.

9 Is there anyone here who is on Item 33?

10 This is the SRRE for the City of Santa Fe Springs.

11 No one here? No one here.

12 I'm ready for a motion.

13 BOARD VICE CHAIRMAN CHESBRO: I'll move the
14 committee's recommendation.

15 BOARD CHAIRMAN HUFF: Staff recommendation.

16 Roll call.

17 BOARD SECRETARY KELLY: Board Member Chesbro.

18 BOARD VICE CHAIRMAN CHESBRO: Aye.

19 BOARD SECRETARY KELLY: Egigian.

20 BOARD MEMBER EGIGIAN: Aye.

21 BOARD SECRETARY KELLY: Gotch.

22 BOARD MEMBER GOTCH: Aye.

23 BOARD SECRETARY KELLY: Heidig.

24 BOARD MEMBER HEIDIG: Aye.

25 BOARD SECRETARY KELLY: Relis.

1 BOARD MEMBER RELIS: Aye.

2 BOARD SECRETARY KELLY: Chairman Huff.

3 BOARD CHAIRMAN HUFF: Now, wait a minute. I
4 didn't want you to vote because you're going to leave and
5 I'm going to be using this as a substitute roll call.

6 Mr. Relis abstained on that vote.

7 BOARD MEMBER HEIDIG: He didn't vote.

8 BOARD CHAIRMAN HUFF: He didn't vote.

9 BOARD SECRETARY KELLY: Chairman Huff.

10 BOARD CHAIRMAN HUFF: I'm sorry. You're right.

11 He didn't vote on that one.

12 Aye.

13 Motion carries 5-0. Okay.

14 I'm ready for a motion on the -- is there anyone
15 here on Item 36? Anyone here? I have no requests to speak.

16 BOARD VICE CHAIRMAN CHESBRO: Move staff
17 recommendation.

18 BOARD CHAIRMAN HUFF: Staff recommendation's been
19 moved.

20 Without objection substitute the prior roll call.

21 The ayes are --

22 MS. FRIEDMAN: Hold on. I think we have an
23 amended recommendation from staff.

24 BOARD CHAIRMAN HUFF: That's been moved.

25 BOARD VICE CHAIRMAN CHESBRO: Wait a minute. Let

1 me make sure I understand what the recommendation is.

2 MS. FRIEDMAN: We're changing the recommendation
3 from disapproval to conditional approval. We just got
4 information, late-breaking information.

5 BOARD CHAIRMAN HUFF: I love it.

6 MS. FRIEDMAN: We want to be able to amend that.
7 We have an errata sheet.

8 BOARD MEMBER HEIDIG: That's No. 36.

9 BOARD CHAIRMAN HUFF: 36.

10 MS. FRIEDMAN: City of San Buena Vista.

11 BOARD CHAIRMAN HUFF: Chalk one more up for
12 approval.

13 BOARD VICE CHAIRMAN CHESBRO: Let me just ask
14 really quickly that those numbers brought them up within ten
15 percent of -- I mean the change in the numbers brought them
16 up within ten percent of -- within 20.

17 BOARD CHAIRMAN HUFF: 22.5 and 45.

18 MS. FRIEDMAN: Yes. 23 and 47.

19 BOARD VICE CHAIRMAN CHESBRO: Okay.

20 MS. FRIEDMAN: So we're recommending conditional.

21 BOARD VICE CHAIRMAN CHESBRO: That was my motion
22 was to approve the conditional.

23 MS. FRIEDMAN: I wasn't sure if you had that.
24 Thank you.

25 BOARD CHAIRMAN HUFF: Okay. Without objection the

1 ayes are five, the noes are none, the motion carries.

2 Item 44. Anyone here on Item 44?

3 No one is here. I have no requests to speak. No
4 one was here all day.

5 BOARD VICE CHAIRMAN CHESBRO: Was there a change
6 in the staff recommendation?

7 I will move the committee's recommendation.

8 BOARD CHAIRMAN HUFF: Ayes are five. Without
9 objection we'll substitute the previous roll call. The ayes
10 are five, the noes are none, the motion carries.

11 Item 63. Anyone here to speak on 63?

12 I've no had to requests to speak all day long. No
13 one has appeared here on Item 63.

14 BOARD VICE CHAIRMAN CHESBRO: No change in staff
15 recommendation?

16 BOARD CHAIRMAN HUFF: No change in staff
17 recommendation.

18 BOARD VICE CHAIRMAN CHESBRO: I will move the
19 committee's recommendation.

20 BOARD CHAIRMAN HUFF: Without objection we will
21 substitute the prior roll call. The ayes are five, the noes
22 are none, the motion carries.

23 MS. COLBURN: Mr. Chairman. I just wanted to make
24 sure that you didn't somehow accidentally skip Item 28.

25 BOARD CHAIRMAN HUFF: I haven't accidentally

1 skipped it. I did it on purpose.

2 Item 28. Yes. That's plastic.

3 Well, let me see. We have Item 17 and Item 22
4 also.

5 Item 22 we can carry over because there's no time
6 deadline on Item 22..

7 BOARD MEMBER HEIDIG: You have one more SRRE to
8 do. Did you want to finish that?

9 BOARD CHAIRMAN HUFF: Did I have one more SRRE to
10 do?

11 BOARD MEMBER HEIDIG: Item 67.

12 BOARD CHAIRMAN HUFF: That's not a SRRE. That's
13 not an individual SRRE. That's something else.

14 BOARD VICE CHAIRMAN CHESBRO: That's a staff
15 report.

16 BOARD CHAIRMAN HUFF: Staff report.

17 So Item 22 will be pulled from the agenda and put
18 over to the next meeting. Okay.

19 BOARD VICE CHAIRMAN CHESBRO: Your day of fame
20 will have to wait a little longer.

21 BOARD CHAIRMAN HUFF: That's right. It will.

22 BOARD SECRETARY KELLY: Is this to the Special
23 Board meeting or --

24 BOARD CHAIRMAN HUFF: Yeah. The 14th if we can do
25 it.

1 What's 67? Is that easily covered?

2 CHIEF DEPUTY DIRECTOR RICE: Yes; I believe it is.

3 BOARD CHAIRMAN HUFF: It also is not time
4 critical; is it?

5 CHIEF DEPUTY DIRECTOR RICE: No; it is not.

6 BOARD CHAIRMAN HUFF: We will skip that one.

7 We can do Item 17.

8 Are the people still here on Item 17? All right.

9 Item 17.

10 BOARD SECRETARY KELLY: Did you say carry over?

11 Carry over, the 14th.

12 BOARD CHAIRMAN HUFF: This is Jamestown.

13 MR. DIER: Mr. Chairman, Don Dier, manager of the
14 Permits Branch at the Board.

15 Item No. 17 is consideration of concurrence in the
16 issuance of a modified solid waste facilities permit for the
17 Tuolumne County Central Jamestown Sanitary Landfill,
18 Tuolumne County.

19 Making staff presentation today will be Mr. Cody
20 Begley and John Whitehill.

21 MR. WHITEHILL: Good evening, Mr. Chairman, Board
22 members.

23 BOARD CHAIRMAN HUFF: That's bad. No one likes a
24 smart aleck.

25 MR. WHITEHILL: I'm John Whitehill of the Permits

1 Branch.

2 In 1989 the LEA reviewed the solid waste
3 facilities permit for the Jamestown Landfill and determined
4 that the design and operation of the facility had not
5 significantly changed and that the permit did not need to be
6 revised.

7 More recently LEA correspondence further supports
8 their initial conclusion.

9 Even in cases where the design and operation of a
10 facility has not changed and the permit does not need to be
11 revised, Board staff encourages LEAs to update and clarify
12 permits, especially older permits issued between 1978 and
13 1983.

14 The permit proposed by the LEA does just that.

15 When this Board last considered this permit in
16 September and again in October, the terms and conditions
17 would have allowed the operator to use the entire 20 acres
18 of the permitted footprint, proposing a closure date of
19 2003.

20 The terms and conditions of the 1983 permit did
21 not restrict the area, height, capacity or usable life of
22 the landfill.

23 The site design parameters imposed by this updated
24 permit are within the scope of the project description of
25 the EIR prepared for this facility in 1974.

1 However, due to the increasing cost of
2 constructing the necessary liners the county has decided not
3 to fund preparation of remaining disposal footprint and to
4 close the landfill as soon as a replacement solid waste
5 facility is fully operational.

6 As you remember, the closure date of the landfill
7 and the filling of the remaining five acres were the key
8 points of contention at the September and October Board
9 meetings.

10 Some members of the opposition stated at the
11 October Board meeting that they would withdraw their
12 opposition to the permit if the operator were prohibited
13 from filling the remaining five acres and required to close
14 the landfill by 1997.

15 The operator has since amended the report of
16 disposal site information and resubmitted the permit
17 application to the LEA removing the five acres from the
18 project and estimating a closure date of 1997.

19 The permit before the committee today or before
20 the Board toward prohibits the operator from filling the
21 remaining five acres of the disposal area and requires the
22 landfill to close by July 1st, 1996.

23 The proposed permit also requires the landfill to
24 close at an earlier date if the proposed transfer station in
25 the county becomes fully operational at an earlier date.

1 The county has already submitted complete
2 preliminary closure plans and now that closure is imminent
3 the county is preparing a final closure plan which must be
4 approved by the Board before it can be implemented.

5 CEQA review is required before Board approval.

6 Staff feel that many of the public's concerns will
7 be addressed by the final closure plan and by the
8 accompanying CEQA document.

9 Public input on the closure of the landfill was
10 provided by the CEQA process and during the Board, Water
11 Board and LEA review of the final closure plans, which are
12 due January 1st, 1996.

13 In summary, the LEA and Board staff have
14 determined that the County has complied with the
15 requirements of the California Environmental Quality Act,
16 that the facility design and operation has not significantly
17 changed from that condition by the 1983 permit, that the
18 proposed permit is consistent with the standards adopted by
19 the Board, that the project is consistent with waste
20 diversion goals of Assembly Bill 939.

21 The staff has reviewed the proposed permit and
22 supporting documentation and found them to be acceptable.

23 In conclusion, staff recommend that the Board
24 adopt Solid Waste Facilities Permit Decision No. 95-37,
25 concurring in the issuance of Solid Waste Facilities Permit

1 No. 55-AA-0002.

2 There are representatives from the LEA, from the
3 planning department and from the operator, the Public Works
4 Department, in case you have questions.

5 And that concludes my presentation.

6 BOARD VICE CHAIRMAN CHESBRO: Okay. I guess I'm
7 holding the gavel.

8 Any questions of staff at this point?

9 We do have speaker requests.

10 We should probably I guess next call on the LEA.

11 I haven't done this for a while.

12 We'll ask the LEA if they want to make a
13 presentation.

14 MS. GINN: Good evening, gentlemen and lady. I'm
15 Charlotte Ginn. I'm the LEA for Tuolumne County and I'm
16 here to request that you concur with the issuance of this
17 modified permit.

18 Basically John said it all.

19 We have been here before trying to get these
20 permits approved. We have gone back and the County has
21 resubmitted a new application with new closure date and
22 eliminated the five acres cell.

23 I believe those were the concerns of the public
24 before. They're addressed in this new permit.

25 The facility is in compliance with the minimum

1 standards.

2 And even with the rains that we've had they're
3 doing relatively well.

4 I'd like to thank John for all of his hard work
5 with this. This has been quite a trial, today including.

6 So we feel that the issuance of this permit would
7 be for the betterment of Tuolumne County and I really hope
8 that you would concur with it today.

9 If you have questions.

10 BOARD VICE CHAIRMAN CHESBRO: Any questions?

11 BOARD MEMBER HEIDIG: I would just like to
12 reiterate.

13 We've heard this before, I think twice, three
14 times.

15 You already have a permit. This dresses up the
16 permit?

17 MS. GINN: Yes. We have a existing 1983 permit
18 and this one is more restrictive, more enforceable.

19 And I think it's something that, you know, has
20 been hashed out time and time again and I think it's a much
21 better permit.

22 BOARD MEMBER HEIDIG: Thank you.

23 BOARD VICE CHAIRMAN CHESBRO: Well, it moves the
24 permit along in a number of significant ways, including
25 closure and --

1 MS. GINN: Yes.

2 BOARD VICE CHAIRMAN CHESBRO: Addresses a lot of
3 the questions that we heard from the community at the time
4 that we had previously heard the issue.

5 Any other questions?

6 Thank you. I assume you'll stand by in case
7 there's questions related to the other testimony.

8 MS. GINN: Yes. I'll be here.

9 BOARD VICE CHAIRMAN CHESBRO: I'm going to call on
10 Gary Danielson.

11 The operator, I'm sorry. It's late and I haven't
12 done this for a while.

13 Mr. Operator.

14 MR. JACOB: Thank you, sir.

15 My name is Gregg Jacob. I'm the Tuolumne County
16 solid waste manager.

17 Bev Sheen, the planning director is also here.

18 We are here to answer your questions. We have 600
19 slides we want to show you.

20 BOARD VICE CHAIRMAN CHESBRO: A joker. Okay.

21 I assume that since nobody jumped up there weren't
22 any questions for the operator at this point.

23 Okay. Now Mr. Danielson.

24 MR. DANIELSON: Good evening. I'm Gary Danielson,
25 and tonight I'm representing Sierra Land Use Group and

1 Tuolumne County Taxpayers Association, who had meetings in
2 the last week that supported our comments.

3 On the request to address the Board our comments
4 is we hope the Board will object to the issuance of the
5 proposed modified solid waste facility permit for the
6 Jamestown Landfill due to noncompliance with CEQA and the
7 significant changes in construction to the capacity since
8 the 1974 final EIR and master plan and to be cause of the
9 pending action -- because of the pending action before the
10 State Water Board.

11 And I included for today's hearing agenda package
12 for you, which is made up of two elements, one is our
13 petition and other paperwork pertaining to the Sierra Land
14 Use Group's petition to the State Water Board, the other
15 half is copies of some work that Mr. Kessel has done as far
16 as the solid waste landfill report that he published.

17 And I only do this for the sake of being brief is
18 that we include -- I included in that the cover page, the
19 contents page, a copy of two of the photographs of the
20 landfill when it was first opened in 1974, which aren't very
21 good in going from color to black and white.

22 The site plan, which is part of the 1974 EIR.

23 The complete final contours, figure No. 4, Roman
24 numeral IV, which shows the final contours of this facility.

25 Also the figure number 7, which shows the original

1 west face leachate collection system port and gas vent and
2 the three-to-one slope originating from that structure.

3 I am in disagreement with the planning director's
4 and environmental coordinator's statement in her attachment
5 No. 13, which is dated October 13th, prior to the withdrawal
6 of the permit.

7 And subsequently she issued a new notice of
8 exemption, which I did appeal, which I'm here to say I am in
9 disagreement with.

10 The original master plan did address the closure.
11 It did address a maximum capacity of 800,000 cubic yards,
12 which could be less if they did not dig out sufficient
13 material in order to meet their original contours.

14 And as stated before, and stated in my November
15 11th letter, which is a part of your attachments, I'd
16 reserve my rights for concerning the environmental
17 coordinator's decision and the capacity issue of this
18 landfill.

19 And I wish to reiterate those views.

20 Also in your agenda package it did not disclose my
21 November 28th letter that was sent to Mr. Jesse Huff, as
22 well as Paul Relis, and which did an analysis of the
23 proposed modified permit comparing it to the 1983 permit.

24 And I would like that to be part of the record.

25 I'm sorry I didn't make copies.

1 BOARD SECRETARY KELLY: Mr. Danielson, what was
2 the date of that?

3 MR. DANIELSON: November 28th, 1994.

4 BOARD VICE CHAIRMAN CHESBRO: We'll enter it into
5 the record.

6 You need to provide it to us, give a copy to the
7 staff.

8 Thank you.

9 MR. DANIELSON: Those are my main concern.

10 Like I said, I'm in total disagreement with the
11 environmental coordinator's analysis of CEQA under her
12 letter of October 13th.

13 And I would hope that the Board would take the
14 action that I proposed in my -- on the comment sheet.

15 And I'm done. I'm going home.

16 BOARD VICE CHAIRMAN CHESBRO: Okay. Well, I
17 admire you for sitting it out here all day long. And you
18 obviously have the strength of your convictions there. So
19 appreciate you sharing that with us.

20 Ken Kessel.

21 MR. KESSEL: Mr. Chairman, members of the Board,
22 my name is Ken Kessel. I'm from Sonora, California.

23 And I rise to address the Board on a matter of
24 extreme, and I call it extreme, because it's been going on
25 for so many years, matter of safety.

1 We have a condition in Tuolumne County that's
2 unique in that we had a landfill that was duly processed
3 through the EIR method and processed and approved by and
4 with drawings by civil engineers registered in the State of
5 California.

6 In fact I've been in communication with that man
7 and strangely enough he brought, shed new light on what we
8 brought out to you at your last meeting last week.

9 And that's why I went to our own LEA on Friday and
10 asked to file a complaint as to the safety of the west face
11 of the Jamestown Landfill.

12 The reason I say that it's extremely dangerous at
13 this point is because we have already had inspections of
14 that landfill two years ago by a gentleman that appeared
15 before you a few hours ago, Scott Walker.

16 Mr. Walker mailed a report to me and that is a
17 matter of record.

18 That the west slope of the Jamestown Landfill was
19 extremely steep and potentially unstable.

20 Of course, we took that to mean that he had
21 reasons from the surface, because the original plans have
22 been now duplicated in your latest RDSI that you now are
23 going to be voting on, and a document that you have shown as
24 Figure 3-9.

25 If you have that in front of you I will explain

1 that the Jamestown Landfill in 1974 started off with a grave
2 error by the contractor, who happened to be the road
3 commissioner of Tuolumne County's road department.

4 All of the canyon base was to be a dike, d-i-k-e
5 or d-y-k-e, whichever you like, but it's a barrier, in lieu
6 of a dam.

7 The contractor in this case was the county. They
8 constructed a dam in lieu of the dike.

9 And no engineer in their right mind would ever
10 have engineered a dam in a bottom of a canyon in that
11 particular case.

12 And that's why it was so clearly spelled out on
13 that diagram that the line point of departure, the start of
14 the landfill was at that point where your leachate and gas
15 collection equipment would be placed on firm undisturbed
16 soil on the top of the ground, not at the bottom, or the top
17 of a land mass created by a dam.

18 Subsequently they put in a leachate drain field to
19 carry the leachate rather than the, as it's shown here, the
20 sump.

21 Subsequently they filled this and in six years
22 they had enough mass without any leachate. No leachate was
23 ever found in the sump -- or no sump, but the trench.

24 In 1980 we had a winter similar to this one. The
25 dam failed. All of the equipment was lost and covered,

1 buried we call it.

2 And the Water Quality Control Board under the
3 74445 order allowed that to be used as a base from that date
4 on.

5 So that you are now approving something that
6 failed once.

7 In recent months we have received a winter very
8 similar to the one we had then. And we have had very good
9 strong indications that all of the rainfall that we've had
10 these past three months have gone into this mass of the dams
11 that are now 160-foot high.

12 Whereas there was no dam ever permitted, never
13 allowed. Dam safety knows nothing about it and it's an
14 illegal dam, because it was never designed.

15 And subsequently I maintain, and I put up a number
16 of dams, I was a general contractor for years. I'm a
17 licensed registered architect in the State of California.

18 I've examined the site. I've made my
19 calculations. And I believe an emergency report response
20 plan would be very necessary for this county.

21 When I asked the LEA what would you do if this
22 started to go, which it did once before, the answer is that
23 we don't have a response plan.

24 Nothing has been done as far as examining it by a
25 licensed civil engineer.

1 And when I say that you people will be approving
2 something like this tonight only gives me credence because
3 we've already filed, as I told you last week, that we were
4 going to go the route with the Water Resources Board to
5 explain this, that this is a dangerous situation and there's
6 very little other than the fact that your latest A-R-O-W-D,
7 your AROWD, that you have used to make your decisions, as
8 Mr. Whitehill and Mr. Begley have examined, that that
9 clearly says the whole story in that document.

10 And I asked you to read that.

11 I have it here where they report that the leachate
12 in that west slope has no escape now.

13 And that they also said there's only one other way
14 it could go and that's slow percolation into the ground.

15 I say they omitted one thing. It is percolating
16 now and it's releasing VOCs into the TRW monitoring well on
17 the east slope. We are getting the VOCs releasing.

18 Now we have leachates that's capped within that
19 landfill.

20 And I say there is a place for it to go. The same
21 place it did in 1980, but now it's 160 foot high and it
22 never had a foundation to it.

23 So I would beg that you would please review
24 something before you become a party to something of this
25 nature.

1 We have a situation there that is an emergency and
2 it should be looked at.

3 Thank you.

4 BOARD CHAIRMAN HUFF: Any questions?

5 There are none.

6 Anyone else wishing to address us?

7 BOARD VICE CHAIRMAN CHESBRO: There's one more.

8 BOARD CHAIRMAN HUFF: Yes.

9 MR. HARRIMAN: Good evening, Mr. Chairman, members
10 of the Board. Richard Harriman. My address is PO Box 1118,
11 Hanford, California. Zip, 93232.

12 You've had a long meeting. I will move briskly
13 through my short comments.

14 I'm appearing this afternoon on behalf of TFALS
15 and also the Golden State Wildlife Federation.

16 First of all, I want to take the opportunity at
17 this late hour to thank Mr. Begley, Mr. Whitehill for all
18 their hard work and particularly Mr. Begley, who has a
19 superior skill as mediator. Don't lose him. He does a good
20 job for you.

21 On behalf of TFALS we're basically satisfied with
22 the proposed permit and I've been directed by their board of
23 directors to indicate that to you.

24 On behalf of Golden State Wildlife Federation we
25 would like to suggest one minor amendment to condition 17-G.

1 The second sentence currently reads, "if
2 construction of the five-acre cell is proposed, a revised
3 permit application shall be required."

4 We agree with that condition. We think it's well
5 founded.

6 We would like to add, ask the Board and the
7 applicant to consider agreeing to this amendment that
8 following the word "application" we insert the words "and
9 focused environmental impact report shall be required."

10 MS. TOBIAS: Mr. Harriman, I'm not clear on where
11 you are.

12 MR. HARRIMAN: I'm sorry. Solid Waste Facilities
13 Permit Proposed, 55-AA --

14 BOARD CHAIRMAN HUFF: Permit conditions.

15 MR. HARRIMAN: Yeah. I'm on 17-G, LEA condition.

16 And the purpose. You want to go and word it
17 again, Kathryn, now that --

18 BOARD MEMBER HEIDIG: Mr. Chairman, do we have
19 these attachments in front of us?

20 BOARD VICE CHAIRMAN CHESBRO: Do you know what
21 agenda page?

22 BOARD MEMBER HEIDIG: And he's referencing?

23 BOARD CHAIRMAN HUFF: It should be here. Look at
24 the permit itself.

25 MS. TOBIAS: I don't think it's in there.

1 BOARD CHAIRMAN HUFF: I have it at page 57. Try
2 that. See if you have it there. Oh, no.

3 MS. TOBIAS: That is from the Permitting agenda.

4 BOARD CHAIRMAN HUFF: My page numbers go up to 93
5 and then you find Attachment 1 and Attachment 2 and
6 Attachment 3. Right after page 93. You have that in your
7 book?

8 My book is bigger than your book.

9 MS. TOBIAS: Mr. Harriman, I suggest that if you
10 wouldn't mind starting over.

11 MR. HARRIMAN: I don't have any problem with that.

12 Ms. Tobias, actually I'm just doing this to make
13 the record and so I think that it will be something that you
14 probably can sign off on.

15 With respect to condition -- LEA condition
16 requirement Section 17-G, as in George, with respect to the
17 second sentence, which reads "if construction of the
18 five-acre cell is proposed, a revised permit application
19 shall be required."

20 And we would request the insertion of the words,
21 after application, "and focused environmental impact
22 report," and then following on with the other wording,
23 "shall be required."

24 The purpose of that for your counsel and for the
25 Board is to address the environmental review disagreement

1 that we share with Mr. Danielson's group.

2 And that is is that there is uncontradicted,
3 irrefutable and irrebuttable evidence in your record right
4 now of a substantial change in the environmental setting and
5 background.

6 I've addressed that in my written comments so I
7 don't need to go over it again.

8 And secondly there is an irrefutable and
9 irrebuttable change in the environmental setting adjacent to
10 the proposed project as a result of residential land use
11 development permitted by the county.

12 The other issues I've raised before.

13 So that would be the request.

14 Other than that we would join in the approval of
15 this report with the very clear caveat that the LEA is
16 saying it is intended to close this landfill by July 1,
17 1996.

18 Thank you. Sorry to take so much time.

19 BOARD CHAIRMAN HUFF: Any questions?

20 MS. TOBIAS: Mr. Chair.

21 BOARD CHAIRMAN HUFF: Counsel.

22 MS. TOBIAS: I don't have a question, but I would
23 like to clarify what Mr. Harriman said.

24 What he's saying in G is that our permit
25 conditions says no waste shall be disposed of in this

1 five-acre cell and this is one of the changes that we made
2 in the project description.

3 And then he basically -- our permit condition says
4 if they come back in and want to do something with that cell
5 a revised permit application shall be required.

6 Mr. Harriman is suggesting that we require focused
7 EIR generally and what we would require is CEQA compliance,
8 not necessarily naming a specific document.

9 One of their concerns is the use of the exemption
10 here.

11 And so what you might want to consider rather than
12 the suggested language of a focused EIR is to say a negative
13 declaration or a draft EIR or you can just say CEQA
14 compliance, depending on how general or specific.

15 BOARD CHAIRMAN HUFF: The first issue is, though,
16 this is the LEA language, it isn't our language.

17 MS. TOBIAS: True.

18 BOARD CHAIRMAN HUFF: And we have never to date
19 rewritten an LEA's language.

20 There's some question as to whether we can.

21 And I won't -- we won't get into that argument
22 tonight.

23 But we have always acted with the concurrence of
24 the LEA so unless the LEA wishes to put that language in
25 we're not going to add it.

1 That doesn't mean that our motion can't express
2 the sense of the Board when we adopt and concur or not
3 concur in that permit. Part of that motion can express a
4 sense of the Board that should the five-acre cell be put on
5 the table --

6 BOARD VICE CHAIRMAN CHESBRO: CEQA.

7 BOARD CHAIRMAN HUFF: CEQA must be complied with.

8 And certainly that can be part of just an
9 expression of the sense of the Board.

10 But I don't think we are going to rewrite the LEA
11 language tonight.

12 MR. HARRIMAN: I wonder why that is?

13 BOARD VICE CHAIRMAN CHESBRO: I've always been led
14 to believe we couldn't. If it's as great as you're talking
15 about, we may have some long permit discussions in the
16 future.

17 BOARD CHAIRMAN HUFF: That might be a future
18 conversation, but I tend to believe that I understate.

19 BOARD VICE CHAIRMAN CHESBRO: That was my
20 impression.

21 BOARD CHAIRMAN HUFF: Yes.

22 BOARD VICE CHAIRMAN CHESBRO: So if the
23 circumstance --

24 BOARD MEMBER HEIDIG: The language is that we can
25 concur. It isn't that we can revise.

1 BOARD CHAIRMAN HUFF: That's right. The law says
2 concur, not revise.

3 MR. HARRIMAN: That is, Mr. Heidig is exactly
4 right, and that is precisely the reason why I couched it the
5 way I did, that in good faith on behalf of TFALS and Golden
6 State Wildlife Federation we think that the County and LEA
7 should come to you in good faith and be willing to stipulate
8 to this modification in order to secure our nonopposition at
9 this point.

10 And the reason for that is that the CEQA work is
11 defective now and we do not want to be in a situation where
12 we have to proceed to litigation on that.

13 And that's we're offering the opportunity to
14 stipulate.

15 This takes care of all of our concerns.

16 Thank you.

17 BOARD CHAIRMAN HUFF: Is the LEA here?

18 Do you want to buy his language?

19 MS. GINN: I believe if you were to do a revised
20 permit you have to go through CEQA anyway and it's going to
21 be addressed -- would be addressed at that time.

22 BOARD CHAIRMAN HUFF: I think you're right, but I
23 suspect that at the current level of confidence that people
24 are operating at, he's not willing to accept that.

25 I'm not disputing either. We're in the position,

1 really, of sort of mediating here a dispute between people
2 who have a problem with this landfill and people who have
3 run things at the county level.

4 And I understand that there is a sincere belief on
5 the part of the opponents that they think that the previous
6 CEQA document has been shredded. Okay.

7 I mean, simply just not complied with.

8 I'm not saying that they're right or that they're
9 wrong, I'm just saying that they believe that and they have
10 a certain level of skepticism with regard to things not
11 completely spelled out in writing anymore.

12 Did I capture the essence of --

13 MR. HARRIMAN: Not only the essence, the exact
14 idea.

15 BOARD MEMBER HEIDIG: Mr. Chairman, question of
16 staff.

17 Didn't staff suggest that Tuolumne County Planning
18 Department determine that there was no environmental effects
19 and therefore the permit modification is not subject to
20 CEQA?

21 MR. WHITEHILL: That was the planning department's
22 determination; yes.

23 BOARD MEMBER HEIDIG: Did staff's determination is
24 an agreement or concurrence with that?

25 MR. WHITEHILL: Yes. Staff, CEQA review staff --

1 I mean the Board's CEQA review staff reviewed that
2 determination and their conclusion is contained within the
3 October agenda item and they agreed with that determination.

4 BOARD MEMBER HEIDIG: Basically what the issue
5 isn't what happened, it's what is there and how are we going
6 to close this permit -- this facility and improve the
7 permit, which is already existing, already has an existing
8 permit?

9 BOARD CHAIRMAN HUFF: That's right.

10 BOARD MEMBER HEIDIG: Operated under expanded
11 conditions.

12 BOARD CHAIRMAN HUFF: That's right.

13 And that is just looking for a way to see if there
14 could be some coming together there.

15 In the absence of that, in our motion we don't --
16 we aren't going to change the language of the permit, but in
17 our motion it's perfectly within any motion maker's
18 prerogative to include language about the sense of the Board
19 relative to should, because this is prospective. This isn't
20 about this permit. This is about that infamous five-acre
21 cell.

22 So it's perfectly within any motion maker's
23 prerogative to --

24 BOARD MEMBER HEIDIG: I understand that and I'm
25 just trying to say that the parties seem to be further apart

1 and I certainly welcome if you can bring them together
2 but --

3 BOARD CHAIRMAN HUFF: I don't think we're going
4 to.

5 I think it's time we move.

6 BOARD MEMBER HEIDIG: I would move the findings.

7 I think we have two motion are in order; isn't
8 that right? We need to make findings or just --

9 BOARD CHAIRMAN HUFF: Just the staff
10 recommendation if that is your motion.

11 BOARD MEMBER HEIDIG: Okay. I move staff's
12 recommendation that we concur with issuing this permit.

13 BOARD CHAIRMAN HUFF: Okay. That's the motion.
14 Roll call.

15 BOARD SECRETARY KELLY: Board Member Chesbro.

16 BOARD VICE CHAIRMAN CHESBRO: Aye.

17 BOARD SECRETARY KELLY: Egigian.

18 BOARD MEMBER EGIGIAN: Aye.

19 BOARD SECRETARY KELLY: Gotch.

20 BOARD MEMBER GOTCH: Aye.

21 BOARD SECRETARY KELLY: Heidig.

22 BOARD MEMBER HEIDIG: Aye.

23 BOARD SECRETARY KELLY: Relis.

24 Chairman Huff.

25 BOARD CHAIRMAN HUFF: Aye.

1 Motion carries, 5-0.

2 Okay. Everything else is going to put over,
3 except 28.

4 BOARD VICE CHAIRMAN CHESBRO: I'm sorry. They sat
5 here all day, and you're not going to take it up?

6 BOARD CHAIRMAN HUFF: Do you have a motion on Item
7 28?

8 BOARD VICE CHAIRMAN CHESBRO: Yes.

9 I will move that we forward the report to the
10 Legislature with a recommendation of a renewal of the
11 exemption that would extend five years from the time that
12 the current extension expires, which is five years from this
13 coming January 1st. So that would be January 1st, 2001, I
14 believe.

15 BOARD CHAIRMAN HUFF: That is the entire motion?
16 Okay. Okay.

17 Live with it?

18 No. We can substitute the prior roll call on
19 this.

20 Without objection the ayes are five, the noes are
21 none.

22 BOARD VICE CHAIRMAN CHESBRO: Before you go,
23 though, I do have one comment here, and that is that I got a
24 letter which I wanted to ask counsel about from Livingston
25 and Mattesich addressed to Wesley Egigian.

1 I don't know whether or not I have to file that as
2 an ex parte.

3 BOARD MEMBER HEIDIG: We're all changing our
4 middle names. Didn't you get the memo?

5 BOARD MEMBER EGIGIAN: I didn't realize I was --

6 BOARD VICE CHAIRMAN CHESBRO: Dad. I always knew
7 we had so much in common.

8 BOARD MEMBER HEIDIG: Mr. Chairman, I'd like to
9 say they both deserve each other.

10 MS. COLBURN: I apologize for that. Clerical
11 error.

12 BOARD VICE CHAIRMAN CHESBRO: That's okay. It
13 actually gave us an opportunity for a little levity at this
14 late hour.

15 MS. COLBURN: We just want to thank the Board for
16 reconsidering this motion and appreciate your recognition of
17 the wisdom of extending the exemption.

18 We would have obviously preferred an indefinite
19 exemption, but we appreciate your acknowledgment of the
20 extension.

21 BOARD CHAIRMAN HUFF: Thank you.

22 And for the record I wanted to ex parte-ize a
23 conversation I had with Diane Colburn and George Larson on
24 this item just moments ago.

25 Any further business?

1 BOARD MEMBER HEIDIG: I would like to say that we
2 certainly got a full day's worth of work out of Marlene
3 Kelly, which is consistent.

4 BOARD CHAIRMAN HUFF: That was the plan. That was
5 the plan. Her last day, by golly, we were going to work
6 her.

7 (Applause.)

8 BOARD SECRETARY KELLY: I've been worked.

9 BOARD CHAIRMAN HUFF: We're out of here.

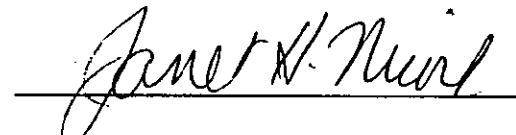
10 (Thereupon the meeting was adjourned at
11 6:25 p.m.)
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CERTIFICATE OF SHORTHAND REPORTER

I, JANET H. NICOL, a Certified Shorthand Reporter of the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing meeting in shorthand writing; that I thereafter caused my shorthand writing to be transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, or in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February 1995.



Janet H. Nicol
Certified Shorthand Reporter
License Number 9764